

Development Services
Planning

January 4, 2006

Re: Zoning and Development Code amendments

Dear Customer,

Attached are Zoning and Development Code amendments adopted through December 1, 2005. Amendments are typically effective thirty (30) calendar days after the adoption date. Please make the following changes as noted below to the Code book that you have.

<u>Amendments</u>	<u>Remove Page</u>	<u>Insert Page</u>
Table of Contents	p. III to IV, VII to IX	p. III to IV, VII to IX
Ord. No. 2005.80, code text amendment for extension of the Redevelopment Review Commission	p. 1-19, 20	p. 1-19, 20
Ord. No. 2005.90, code text amendment for use permit and special use standards for Deferred Presentment Companies, including a definition	(noted below)	(noted below)
Ord. No. 2005.91, code text amendment for use permits for Auto Title Loan with special use standards, Employment Agency, Plasma Donation Center, Rent-to-Own, and Tobacco Retailer; including definitions for such uses	p. 3-1, 2 p. 3-9 to 16 p. 3-35, 36	p. 3-1, 2 p. 3-9 to 16 p. 3-35, 36
Ord. No. 2005.54, code text amendment for Construction Sign and Future Development Sign	p. 4-62 to 65	p. 4-62 to 65
Ord. No. 2005.24, code text amendment and a zoning map amendment for the Transportation Overlay District	p. 5-1, 2	p. 5-1 to 2 p. 5-14 to 37
Ord. No. 2005.59, code text amendment for Notice for Public Hearings	p. 6-29, 30	p. 6-29, 30
Definitions for new use permits and Transportation Overlay District	p. 7-5 to 33	p. 7-5 to 33
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3. Hearings of the Planning and Zoning Commission shall be open to the public in accordance with Part 6 Chapter 5, Public Meetings and Public Hearings. The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings in accordance with Section 6-503, showing the vote of each member, records of the Commissions' examinations and other official actions, shall be kept by the City Clerk as a public record;
 4. The Planning and Zoning Commission shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure;
 5. A quorum consists of four (4) members of the Planning and Zoning Commission. The concurring vote of four (4) members of the Planning and Zoning Commission shall be necessary to act on any matter on its agenda except that consent agenda items may be approved and continuances administratively granted as provided for in this section. In the event that Planning and Zoning Commission members are not sufficiently available to make a quorum, one staff member is authorized to act as an alternate member on consent agenda items only, and only to the extent that their presence makes a quorum. Robert's Rules of Order shall govern any other motion; and
 6. The Development Services Manager, or a designated representative, shall serve ex officio as secretary of the Planning and Zoning Commission.
- D. Planning and Zoning Commission – Appeals.** Planning and Zoning Commission recommendations to the City Council pursuant to Section 1-307(B)(2) are not final decisions. Any person aggrieved by a final decision of the Planning and Zoning Commission pursuant to Section 1-307(B)(1), may file an appeal to the City Council within fourteen (14) calendar days after the Planning and Zoning Commission has rendered its decision, in accordance with Part 6, Chapter 8, Appeals.
- E. Planning and Zoning Commission – Reconsideration.** Reconsideration of Planning and Zoning Commission decisions shall comply with Part 6, Chapter 7, Re-Application and Reconsideration of Decisions.

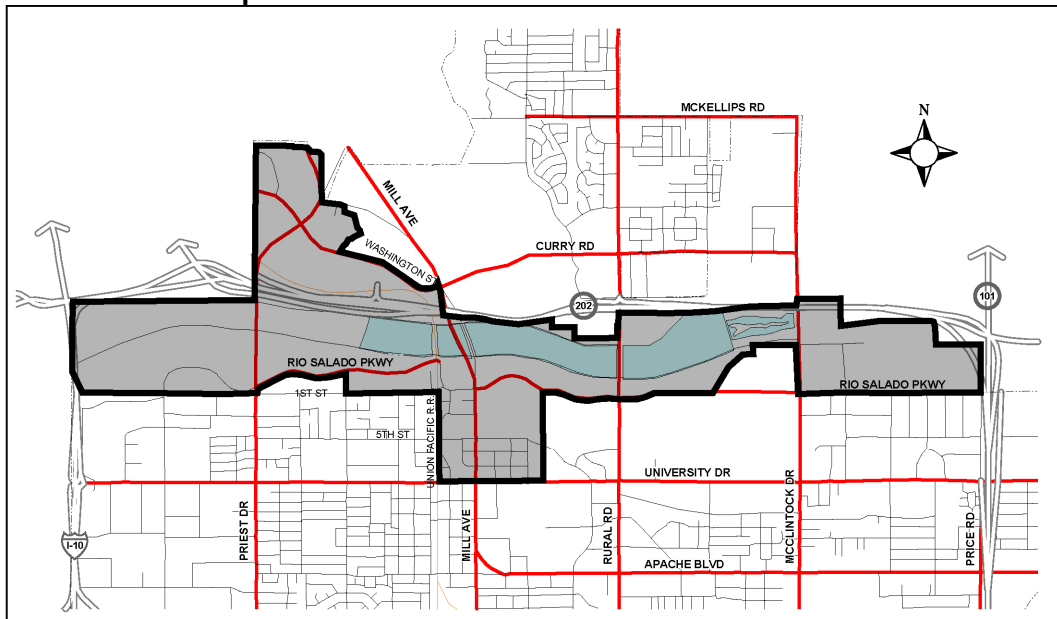
Section 1-308 Redevelopment Review Commission.

- A. Redevelopment Review Commission – Creation and Purpose.** The Redevelopment Review Commission is created to hold public hearings and meetings to render decisions and recommendations on applications, in lieu of the Planning and Zoning Commission, Board of Adjustment and Design Review Board within the specified areas of the city described below. The purpose of the Redevelopment Review Commission is to simultaneously review all aspects of a proposed and future development in order to facilitate comprehensive review. Such development review includes, but is not limited to, present and projected growth of the city, design aspects, site planning and the relationship of the development to the surrounding environment and the community. The Redevelopment Review Commission assists the City Council with advice and recommendations regarding applications where the Redevelopment Review Commission has the power to recommend, and to render final decisions on specified applications where the Redevelopment Review Commission has final decision-making power, as described below. The Redevelopment Review Commission recognizes the interdependence of land values, aesthetics and good site planning by promoting harmonious, safe, attractive and compatible development that is therefore considered to be in the best interest of health, safety and general welfare. This section, providing for the operation of the Redevelopment Review Commission, is only in effect for a period of six (6) months from the effective date, unless further extended by appropriate City Council action. (Ordinance No. 2005.80, 12-1-05)

The Redevelopment Review Commission shall review development projects in the following areas of the city:

1. University-Hayden Butte redevelopment area; and
2. Rio Salado-McClintock redevelopment area

Figure 1-308. Redevelopment Review Area Boundaries



PART 3 – LAND USE

Chapter 1 – Permitted Uses in Residential Districts

Section 3-101	Purpose and Applicability
Section 3-102	Permitted Uses in Residential Districts

Chapter 2 – Permitted Uses in Commercial and Mixed-Use Districts

Section 3-201	Purpose and Applicability
Section 3-202	Permitted Uses in Commercial and Mixed-Use Districts

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Chapter 5 – Non-Conforming Use or Development

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Section 3-503	Legal Non-Conforming Development
Section 3-504	Legal Non-Conforming Use
Section 3-505	Discontinuance of a Legal Non-Conforming Use
Section 3-506	Damage to a Legal Non-Conforming Development
Section 3-507	Legal Non-Conforming Lots of Record

Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts

Table 3-202A identifies land uses according to permit status. See key below the table:

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)						
Uses	Status of Use District					
	R/O	CSS	CC	PCC-1	PCC-2	RCC
Accessory Use (see Section 7-102, Definitions)	P	P	P	P	P	P
Animal Kennel	N	U	U	U	U	U
Amateur Radio Antennas [Section 3-422]						
35 feet in height or less	S	S	S	S	S	S
Over 35 feet in height	U(S)	U(S)	U(S)	U(S)	U(S)	U(S)
Brewery, ancillary to a bar (a)	N	P	P	P	P	P
Cemeteries, Crematoriums and Mausoleums	N	U	U	U	U	N
Childcare Centers: Nursery Schools, Day Care Centers, similar	P	P	P	P	P	P
Clinic (medical, dental, veterinary (small animals))	P	P	P	P	P	P
Plasma donation center	U	U	U	U	U	U
Clubs						
Bar (indoor or outdoor), tavern, or nightclub (a)	N	U	U	U	U	P
Lodge or similar organization (a)	N	P	P	P	P	P
Teen night club (a)	N	U	U	U	U	U
Conference/Assembly (convention center)	N	P	P	P	P	P
Construction Offices and Sheds, Appurtenant Signs and Storage; Temporary – incidental to a construction project only for the duration of such project; not to exceed 24 months	P	P	P	P	P	P
Entertainment	N	U	U	U	U	P
Amusement businesses (a)	N	U	U	U	U	P
Outdoor (permanent use)	N	U	U	U	U	U
Theater or similar use	N	P	P	P	P	P
Fitness Centers: e.g. Heath Club, Fitness Studio	N	P	P	P	P	P
Heliport	N	U	U	U	U	U
Hospitals, Sanitariums, Nursing Homes: e.g. Orphanages, Institutions [Section 3-413]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Hotels and Motels (a)	N	U	P	U	U	P

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted
R/O = Residential/Office
(a) Security plan required. See Section 6-313.

CSS = Commercial Shopping and Services (previously designated as CCR, C-1, C-2 districts)
CC = City Center (previously designated as CCD)
PCC-1 = Planned Commercial Center Neighborhood
PCC-2 = Planned Commercial Center Comprehensive
RCC = Regional Commercial Center

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)

Uses	Status of Use District					
	R/O	CSS	CC	PCC-1	PCC-2	RCC
Live-Work [Section 3-414]	S	N	S	U(S)	U(S)	N
Mini-Warehouse/Rental Storage Facilities [Section 3-415]	N	U(S)	N	U(S)	U(S)	S
Offices	P	P	P	P	P	P
Outdoor Storage of equipment, goods, or materials	N	N	N	U	U	U
Parking Facilities, Commercial						
Surface	N	U	U	P	P	P
Structure	N	U	P	U	U	P
Places of Worship – (except tents and other temporary structures or buildings not permitted) including childcare, Sunday school uses which are ancillary to main use	P	P	P	P	P	P
Childcare center, private or charter school not ancillary to main use	U	U	U	U	U	U
Public Uses						
Civic facilities (e.g., post office, library, city office, customer serving)	P	P	P	P	P	P
Municipal Facilities (maintenance, repair and storage)	N	U	U	U	U	U
Open space, parks, similar uses (See also, Schools)	P	P	P	P	P	P
Radio and Television Studios with Receiving and Transmitting Towers	N	U	N	U	U	P
Resale Items	N	U	U	U	U	U
Antiques	N	U	U	U	U	U
Pawn Shops	N	U	U	U	U	U
Second Hand Stores	N	U	U	U	U	U
Residential, caretaker residence	P	P	P	P	P	P
Residential (all types)	P	U	P	U	U	N
Restaurants (a)	N	P	P	P	P	P
Entertainment as accessory use (a)	N	U	U	U	U	P
Outdoor dining (a)	N	P	P	P	P	P
With drive-in or drive-through, [Section 3-408]	N	U(S)	N	S	S	S
With liquor license (a)	N	P	P	P	P	P

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted
R/O = Residential/Office
(a) Security plan required. See Section 6-313.

CSS = Commercial Shopping and Services (previously designated as CCR, C-1, C-2 districts)
CC = City Center (previously designated as CCD)
PCC-1 = Planned Commercial Center Neighborhood
PCC-2 = Planned Commercial Center Comprehensive
RCC = Regional Commercial Center

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)						
Uses	Status of Use District					
	R/O	CSS	CC	PCC-1	PCC-2	RCC
Retail Sales [See Appendix M.]	N	P	P	P	P	P
Gun shop	N	U	U	U	U	U
Convenience Store (a)	N	P	P	P	P	P
with gas/fuel sales (a)	N	U	U	U	U	U
Drive-through or drive-in [Section 3-408]	N	U(S)	S	S	S	S
Liquor store	N	U	U	U	U	U
Outdoor retail display [Section 3-418]	N	N	S	N	N	N
Outdoor retailing [Section 3-417]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Tire store	N	U	U	U	U	U
Tobacco retailer	N	U	U	U	U	U
Schools						
Charter	U	U	U	U	U	U
Instructional	P	P	P	P	P	P
Private	U	U	U	U	U	U
Public	P	P	P	P	P	P
Vocational	N	U	U	U	U	U
Services [See Appendix M.]	N	P	P	P	P	P
Auto title loan [Section 3-423]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Employment agency	U	U	U	U	U	U
Barber/ beauty salon	P	P	P	P	P	P
Deferred presentment company (pay day loan) [Section 3-423]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Financial institution (without drive through)	P	P	P	P	P	P
Massage therapist	U	U	U	U	U	U
Mortuary	N	U	U	U	U	U
Personal or business (e.g. drycleaner, small appliance repair)	N	P	P	P	P	P
Photography Studio, except adult-oriented businesses	N	P	P	P	P	P
Tattoo shops, body piercing	N	U	U	U	U	U
Tutoring/After school learning center	P	P	P	P	P	P
Vehicle based service (e.g. courier, delivery service, taxi and ambulance dispatch)	N	U	U	U	U	U
With drive through (e.g. dry cleaner) [Section 3-408]	N	S	S	S	S	S
Similar Uses [Section 6-301]	S	S	S	S	S	S

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)

Uses	Status of Use District					
	R/O	CSS	CC	PCC-1	PCC-2	RCC
Vehicle						
Auto Body Repair	N	N	N	N	N	N
Car wash [Section 3-408]	N	U(S)	N	U(S)	U(S)	S
Repair	N	N	U	U	U	P
Sales/ rental (indoor or outdoor)	N	N	U	U	U	P
Service station	N	U	N	U	U	P
Warehouse Commercial	N	P	P	P	P	P
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)	U(S)	U(S)	U(S)

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted
R/O = Residential/Office
(a) Security plan required. See Section 6-313.

CSS = Commercial Shopping and Services (previously designated as CCR, C-1, C-2 districts)
CC = City Center (previously designated as CCD)
PCC-1 = Planned Commercial Center Neighborhood
PCC-2 = Planned Commercial Center Comprehensive
RCC = Regional Commercial Center

Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4 and MU-Ed)

Uses	Districts				
	MU-1	MU-2	MU-3	MU-4	MU-Ed
Accessory Use	P	P	P	P	P
Amateur Radio Antennas [Section 3-422]					
35 feet in height or less	S	S	S	S	S
Over 35 feet in height	U(S)	U(S)	U(S)	U(S)	U(S)
Bed and Breakfast [Section 3-405]	U(S)	U(S)	U(S)	U(S)	U(S)
Brewery, ancillary to a bar (a)	P	P	P	P	U
Childcare, In-Home					
Not to exceed 6 children [Section 3-407]	S	S	S	S	U(S)
7 to 10 children [Section 3-407]	U(S)	U(S)	U(S)	U(S)	U(S)
Childcare Centers: Nursery Schools, Day Care Centers, similar	P	P	P	P	P
Clinic (medical, dental, veterinary (small animals))	P	P	P	P	U
Plasma donation center	U	U	U	U	U
Clubs					
Bar, tavern, nightclub (a)	U	U	U	P	U
Lodges & similar organization (a)	U	P	P	P	U
Teen nightclub (dance hall) (a)	N	N	U	P	U
Conference/Assembly (Convention Center)	P	P	P	P	P
Construction Offices and Sheds, Appurtenant Signs and Storage; Temporary – incidental to a construction project only for the duration of such project, not to exceed 24 months	P	P	P	P	P
Entertainment					
Amusement businesses (arcade) (a)	N	U	U	P	P
Outdoor/permanent use	N	N	N	N	P
Theater or similar use	U	U	U	P	P
Fitness Centers: e.g. Health Club, Fitness Studio	P	P	P	P	P
Hospitals, Sanitariums, and Nursing Homes: e.g. Orphanages, Institutions [Section 3-413]	N	N	U(S)	U(S)	U(S)
Hotels and Motels (a)	N	U	P	P	P
Live-Work [Section 3-414]	S	S	S	S	S

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted

MU-1 = Low – Medium Density District
MU-2 = Medium Density District
MU-3 = Medium – High Density District
MU-4 = High Density District (previously designated as MG district)
MU-Ed = Mixed Use Educational District

(a) Security plan required. See Section 6-313.

Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4 and MU-Ed)

Uses	Districts				
	MU-1	MU-2	MU-3	MU-4	MU-Ed
Mini-Warehouse/Rental Storage Facilities [Section 3-415]	N	N	N	N	N
Offices	P	P	P	P	P
Outdoor Storage of equipment, goods, or materials	N	N	N	N	N
Parking Facilities, Commercial					
Surface	N	N	U	U	P
Structure	N	N	U	U	P
Places of Worship (except tents and other temporary structures or buildings not permitted) including childcare, Sunday school uses which are ancillary to main use	P	P	P	P	P
Childcare center, private school, or charter not ancillary to main use	U	U	U	U	P
Public Uses					
Civic facilities (e.g., post office, library, city office, customer serving)	P	P	P	P	P
Municipal Facilities (maintenance, repair and storage)	N	N	N	N	P
Open space, parks, similar uses (See also, Schools)	P	P	P	P	P
Resale Items					
Antiques	U	U	U	U	U
Pawn Shops	N	N	N	N	N
Second Hand Stores	N	N	N	N	U
Residential – of a caretaker or operator employed on the premises	P	P	P	P	P
Residential (all types)	P	P	P	P	P
Restaurants	P	P	P	P	P
Entertainment as accessory use (a)	U	U	U	P	P
Outdoor seating	P	P	P	P	P
With drive-in or drive-through [Section 3-408]	N	N	U(S)	S	U(S)
With liquor license (a)	P	P	P	P	P
Retail Sales [See Appendix M.]	P	P	P	P	P
Convenience Store (a)	P	P	P	P	U
with gas/fuel sales (a)	N	N	N	N	U
Drive-through [Section 3-408]	N	N	U(S)	S	U(S)

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted
(a) Security plan required. See Section 6-313.

MU-1 = Low – Medium Density District
MU-2 = Medium Density District
MU-3 = Medium – High Density District
MU-4 = High Density District (previously designated as MG district)
MU-Ed = Mixed Use Educational

Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4 and MU-Ed)

Uses	Districts				
	MU-1	MU-2	MU-3	MU-4	MU-Ed
Gun shop	U	U	U	U	U
Liquor store	U	U	U	U	U
Outdoor retailing [Section 3-417]	U(S)	U(S)	U(S)	U(S)	S
Tire store	U	U	U	U	U
Tobacco retailer	U	U	U	U	U
Schools					
Charter	U	U	U	U	P
Instructional	U	U	U	U	P
Private	U	U	U	U	P
Public	P	P	P	P	P
Vocational	U	U	U	U	P
Services [See Appendix M.]	P	P	P	P	P
Auto title loan [Section 3-423]	U(S)	U(S)	U(S)	U(S)	U(S)
Barber/Beauty Salon	P	P	P	P	U
Deferred presentment company (pay day loan) [Section 3-423]	U(S)	U(S)	U(S)	U(S)	U(S)
Employment agency	U	U	U	U	U
Financial institutions (without drive through)	P	P	P	P	P
Massage therapist	U	U	U	U	U
Mortuary	U	U	U	U	U
Personal or business (e.g. drycleaner, small appliance repair)	P	P	P	P	P
Photography Studio, except adult-oriented businesses	P	P	P	P	P
Vehicle base service (courier, delivery service, taxi and ambulance dispatch)	N	N	N	N	U
Tattoo shops, body piercing	N	N	U	U	N
Tutoring/After school learning center	P	P	P	P	P
With drive through (e.g. dry cleaner) [Section 3-408]	N	S	S	S	U(S)
Similar Uses [Section 6-301]	S	S	S	S	S
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)	U(S)	U(S)

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted

MU-1 = Low – Medium Density District
MU-2 = Medium Density District
MU-3 = Medium – High Density District
MU-4 = High Density District (previously designated as MG district)

(a) Security plan required. See Section 6-313.

MU-Ed = Mixed Use Educational

CHAPTER 3 – PERMITTED USES IN OFFICE/INDUSTRIAL DISTRICTS

Section 3-301 Purpose and Applicability.

- A. Purpose.** The *office*/industrial districts are designed to provide for *office*/industrial business involved in research, warehousing, *wholesaling*, and manufacturing. The facilities range from administrative and research institutions to assembly and production. The *office*/industrial districts allow a range of industrial uses, as expressed below.
- B. Applicability.** Industrial uses are accommodated in three districts:
1. Light Industrial District (LID) (previously designated as IBD district). Administrative and research industries, *offices*, and limited manufacturing to provide opportunities for employment and for protection to neighborhood residential areas;
 2. General Industrial District (GID) (previously designated as I-1 and 1-2 districts). *Office* uses, warehousing, *wholesaling*, assembling and manufacturing of *building* materials, machinery and other commodities to provide employment centers and production; and
 3. Heavy Industrial District (HID) (previously designated as I-3 district). Intensive manufacturing, fabricating, and storage to provide for concentrated industrial uses.
- C. Applicability of Other Code Chapters.** Uses permitted under this chapter shall conform to the *development* standards in Part 4 and the application procedures in Part 6, as applicable. Uses shall also conform to any *overlay district* requirements that are applicable. Uses permitted with special standards or limitations (“S” type uses) shall comply with the standards in Part 3, Chapter 4, Special Use Standards. Zoning Administrator opinions may also apply. See Appendix H.

City code reference—See TCC §14A, Historic Preservation Ordinance.

Section 3-422 Amateur Radio Antennas.

Amateur radio antennas for non-commercial use.

- A. Antennas Permitted.** Amateur radio antennas are permitted in all zoning districts subject to the following standards:
1. Antenna *structures* are allowed up to thirty-five (35) feet in height;
 2. Antenna *structures* shall comply with *setback* standards for the zoning district in which it is located and in all residential zoning districts, shall be located in the rear half of the *lot*;
 3. Antennas, including support *structures*, shall not extend beyond the *property line*; and
 4. When a Federally Licensed Radio Amateur no longer occupies the subject property, the antenna *structure* shall be removed.
- B. Antennas with a Use Permit.** All amateur radio antennas that exceed thirty-five (35) feet in height shall require approval of a *use permit*. Such antennas shall be of telescoping design and lowered to a height of no more than thirty-five (35) feet when not in use. In no event shall an amateur radio antenna exceed the height of seventy-five (75) feet.

Section 3-423 Use Separation Requirements.

1. *Deferred Presentment Companies*, also known as Pay Day Loan, shall not be located on a *lot* within 1,320 feet, measured by a straight line in any direction, from the lot line of another *deferred presentment company*. The requirements in this section shall also apply to *deferred presentment companies* which are ancillary to another existing or permitted use.

State law reference – A.R.S. Title 6, Chapter 12.1, Deferred Presentment Companies

2. *Auto Title Loan* businesses shall not be located on a *lot* within 1,320 feet, measured by a straight line in any direction, from the lot line of another *auto title loan*. The requirements in this section shall also apply to *auto title loan* businesses which are ancillary to another existing or permitted use.

CHAPTER 5 – NON-CONFORMING USE OR DEVELOPMENT

Section 3-501 Purpose.

The purpose of this section is to allow *non-conforming uses* and *developments* to continue, but not to encourage their perpetuation; and ultimately bring *development* and uses into conformance with this Code.

Section 3-502 General Provisions.

- A. **Legal Non-Conforming Uses and Non-Conforming Developments.** Nothing in this Code shall affect existing property or the right to its continued use for the purpose used at the time the Code takes effect, nor to make any reasonable repairs or *alterations* in *buildings* or property used for such legal existing purpose.
- B. **Approved Projects.** Nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any *building* for which a *building* permit has been lawfully issued prior to the effective date of adoption or amendment of this Code.

Section 3-503 Legal Non-Conforming Development.

All *developments* may be maintained but shall not be re-erected, relocated, or replaced unless brought into compliance with this Code.

Section 3-504 Legal Non-Conforming Use.

A *non-conforming use* may be expanded or enlarged to an extent not exceeding twenty-five percent (25%) of the land area or *building* floor area devoted to the use at the time it became non-conforming. Such expansion shall require a *use permit*.

Section 3-505 Discontinuance of a Legal Non-Conforming Use.

Whenever a *non-conforming use* has been abandoned or ceases to exist for a period in excess of one (1) year, such use shall not thereafter be re-established, as long as the period of non-use is attributable at least in part to the property owner, tenant or other person or entity in control of the use. For purposes of this Code, rental payments or lease payments and taxes shall not be considered as a continued use.

Section 3-506 Damage to a Legal Non-Conforming Development.

A. Address Sign. *Address sign* requirements are as follows:

1. *Identification signs* and site addresses shall be visible from public access to the property. The height, quantity, size, location, color and material of address letters and numbers on *buildings, signs* and directories shall be as required by the Development Services Manager, or designee, or through a *Development Plan Review*. Addresses shall be at least four (4) inches in height and have a color contrast with the background color of at least fifty percent (50%);
2. When a *building* is internal to a multiple *building* site and a *directory sign* is provided, the address shall be visible from the internal drive or pedestrian path;
3. One (1) and two (2) *family dwellings* shall provide four (4) inch address numbers on the front elevation, and on the front and rear elevations when abutting an *alley*. *Developments*, properties or sites with perimeter walls shall have the address number on the outside of the wall; and
4. Shall be self-illuminated or located eighteen (18) to thirty-six (36) inches below a light fixture. All numbers and letters shall be illuminated from dusk to dawn. The following are exempted from the illumination requirement:
 - a. Single family and two family dwellings rear address, alley gates and curbside mail boxes; and
 - b. Commercial or industrial rear door suite numbers.
5. No *sign* permit is required.

B. Awning Sign. *Awning sign* requirements are as follows:

1. *Sign* copy including logo or trademark shall not exceed fifty percent (50%) of each awning face (including valance);
2. May only be displayed on the ground floor and second floor awnings;
3. Illumination for *awning signs* is permitted subject to *Development Plan Review* approval; and
4. A *sign* permit is required.

C. Boutique Directional Sign. *Boutique directional sign* requirements are as follows:

1. A boutique, pursuant to Section 3-406, shall have obtained a city sales tax license prior to displaying such *signs*;
2. Shall only be displayed during business hours;

3. Each boutique shall be allowed a maximum of four (4) *signs*. Signs may be *portable signs* or *banner signs* and shall not exceed three (3) square feet in area and three (3) feet in height.
4. Prior to displaying *signs*, the operator of the boutique shall provide the city with a document that specifies the locations of where each *sign* shall be displayed. The operator shall be responsible for limiting the *signs* to those specific locations;
5. Shall be placed without creating a traffic hazard, as determined by city staff. Such *sign* shall not be placed in a traffic median, city right-of-way, on a public sidewalk or bicycle path; and
6. No *sign* permit is required.

D. Building Mounted Sign. *Building mounted sign* requirements are as follows:

1. Shall be mounted to the wall or fascia of the *building*;
2. Shall be eighty percent (80%) or less of their horizontal and vertical backgrounds unless otherwise approved through a Development Plan Review;
3. May be flag-mounted in the City Center district, and may only be located on the ground floor and second floor of the *building*;
4. Shall not exceed the height of the *building*;
5. In the multi-family district, a *building mounted sign* not exceeding six (6) square feet in area is permitted. The height of such *sign* shall not exceed ten (10) feet;
6. A *sign* permit is required; and
7. For one (1) and two (2) *family dwellings*, an *identification sign* not exceeding one (1) square foot in area is permitted; and a *sign* permit is not required.

E. Construction Sign. *Construction sign* requirements are as follows:

1. Shall be allowed on the development site beginning at the time of the issuance of building permit until the issuance of a final certificate of occupancy;
2. Shall be applied only to the construction fencing at the perimeter of the development site;
3. Shall not exceed eight (8) feet in height;
4. Up to a maximum of two-hundred forty (240) square feet of business signage and advertising copy, that is related to the project under construction, shall be allowed per street frontage or public open space frontage;
5. Additional sign area may include images, graphics, illustrations, or photos, that must relate to the project under construction at the development site;
6. Shall require a permit to occupy or encroach into public property / easements;
7. Shall not be illuminated;
8. Shall be maintained in a neat and orderly manner; and
9. A *sign* permit is required.

F. Directional Sign. *Directional sign* requirements are as follows:

1. May be a maximum of three (3) feet in height and two (2) square feet in area; and
2. No *sign* permit is required unless such *sign* is illuminated.

G. Directory Sign. *Directory sign* requirements are as follows:

1. Properties occupied by three (3) or more *buildings* shall have an internally illuminated directory that shows the *street* address, layout of the complex, the location of the viewer and the unit designations within the complex. Directories shall be sufficient in number and placed in locations to insure that law enforcement and emergency personnel can easily locate a particular address or individual unit;
2. Shall not exceed six (6) feet in height or twenty-four (24) square feet in area;
3. Shall not include any *advertising copy*; and
4. A *sign* permit is required.

H. Flags. Flag requirements are as follows:

1. Flag poles shall not exceed thirty-five (35) feet in height. The height shall be measured from finish grade adjacent to the base of the pole or finish floor for building mounted poles. A maximum of three (3) flagpoles are allowed on a site;
2. Any flag flown in conjunction with the United States or State of Arizona flag shall be flown beneath them and shall not exceed them in size;
3. Flag illumination (refer to lighting Section 4-805(A)(2)); and
4. A *sign* permit is not required.

I. Freestanding Identification Sign. Freestanding *identification sign* requirements are as follows:

1. Single use *buildings* on their own *lot* and all complexes and centers are allowed one (1) *freestanding sign* per *street* frontage, or one (1) *freestanding sign* for every three hundred (300) feet of *street* frontage, whichever is greater;
2. *Sign Area and Height.*
 - a. Single use *buildings* on their own *lot* and complexes and centers less than five (5) acres in *net site area*, the maximum height of the *sign*, including any supporting *structures* shall be eight (8) feet, maximum area shall be twenty-four (24) square feet and the *sign* may identify a maximum of four (4) tenants per *sign* face ; and
 - b. All complexes and centers on a single lot, five (5) acres in *net site area* or greater, the maximum height of the *sign*, including any supporting *structures* shall be ten (10) feet, maximum area shall be forty (40) square feet and the *sign* may identify a maximum of six (6) tenants per *sign* face.
3. May identify a center or *building*;

4. Shall have monument-type bases of masonry construction or other architectural grade material approved through a Development Plan Review;
5. Address numerals shall be included on all *freestanding sign structures*, except *subdivision identification signs*. The numerals shall be at least six (6) inches in height; and
6. A *sign* permit is required.

J. Freeway Sign. Freeway *sign* requirements are as follows:

1. Freestanding.
 - a. Any property or center with more than one thousand (1,000) feet of lineal frontage adjacent to a freeway right-of-way (I-10, US 60, Loop 202, Loop 101 and SR 143), may have such *signs*;
 - b. One (1) *freestanding sign* per freeway frontage;
 - c. Maximum height, including any supporting *structures*, shall be thirty-five (35) feet, and maximum *sign* area shall be one hundred twenty (120) square feet;
 - d. *Sign* must be located within three hundred (300) feet of freeway right-of-way;
 - e. May identify a center or *building*, and a maximum of four (4) tenants; and
 - f. A *sign* permit is required.
2. Building Mounted.
 - a. Any *building*, except residential, located within three hundred (300) feet of a freeway right-of-way (I-10, US 60, Loop 202, Loop 101 and SR 143), may have such *signs*;
 - b. The maximum total area for *building mounted freeway signs* on the premises may be equal to two (2) square feet of *sign* area for every lineal foot of *building* frontage adjacent to the freeway. Allocation of the total *sign* area to individual tenants shall be determined through a comprehensive *sign package*, approved through *development plan* review; and
 - c. A *sign* permit is required.

K. Future Development Sign. *Future development sign* requirements are as follows:

1. May include information pertaining to the project, architect, developer, and contractor;
2. Such *signs* shall be a maximum eight (8) feet in height and a maximum of thirty-two (32) square feet in area;

PART 5 – OVERLAY ZONING DISTRICTS

Chapter 1 – Rio Salado Overlay District

Section 5-101	Purpose
Section 5-102	Boundaries
Section 5-103	General Regulations
Section 5-104	Additional Information and Regulations

Chapter 2 – Southwest Tempe Overlay District

Section 5-201	Purpose
Section 5-202	Boundaries
Section 5-203	General Regulations
Section 5-204	Prohibited Uses
Section 5-205	Special Regulations, Building Design
Section 5-206	Yard, Height, Area and Density Requirement

Chapter 3 – General Industrial Overlay District

Section 5-301	Purpose
Section 5-302	Boundaries
Section 5-303	General Regulations
Section 5-304	Uses Requiring a Use Permit

Chapter 4 – Planned Area Development Overlay District

Section 5-401	Purpose
Section 5-402	Applicability
Section 5-403	General Regulations

Chapter 5 – Borden Homes Historic Overlay District

Section 5-501	Purpose
Section 5-502	Boundaries
Section 5-503	General Regulations

Chapter 6 – Transportation Overlay District

Section 5-601	Purpose
Section 5-602	Boundaries
Section 5-603	Applicability
Section 5-604	Permitted Uses in Residential Districts
Section 5-605	Permitted Uses in Commercial, Industrial and Mixed-Use Districts
Section 5-606	Ground Floor Uses Required
Section 5-607	Permitted Uses Subject to a Use Permit
Section 5-608	Prohibited Uses
Section 5-609	Non-Conforming Use or Development
Section 5-610	Development Standards for Residential Districts
Section 5-611	Development Standards for Commercial, Mixed-Use and Industrial Districts
Section 5-612	Pedestrian Oriented Design Standards
Section 5-613	Pedestrian Oriented Design Recommendations

CHAPTER 1 – RIO SALADO OVERLAY DISTRICT

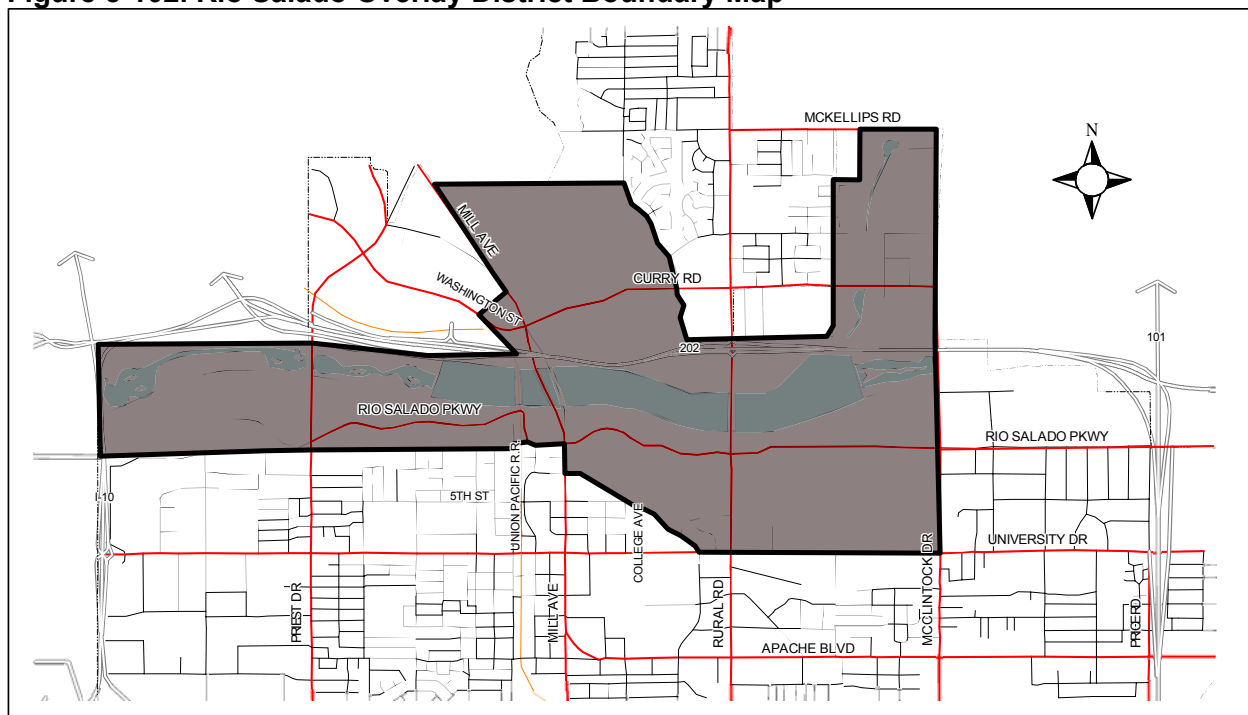
Section 5-101 Purpose.

The purpose of the Rio Salado Overlay District is to accomplish the objectives of the specific plan referred to as the "Tempe Rio Salado Plan" as adopted by the City Council. This district is necessary to provide an opportunity for a smooth transition to adjacent land uses.

Section 5-102 Boundaries.

The location and boundaries of the Rio Salado Overlay District are established as shown on the map entitled "Zoning Map, City of Tempe", dated February 19, 2005, as amended.

Figure 5-102. Rio Salado Overlay District Boundary Map



CHAPTER 6 – TRANSPORTATION OVERLAY DISTRICT

Section 5-601 Purpose.

The purpose of the Tempe Transportation Overlay District (TOD) is to encourage appropriate land development and redevelopment that is consistent with and complementary to the community's focused investment in transit, bicycle and pedestrian infrastructure in certain geographic areas of the City. Tempe is developing a multi-modal transportation system intended to balance the choices people have to move throughout the City, meet the mobility needs of its citizens and mitigate the impacts of congestion and pollution. This Overlay District regulates land uses and establishes development standards in order to prevent developments which would interrupt the transit, bicycle and pedestrian experience.

The specific objectives of this District are to:

- Promote and develop livable and sustainable neighborhoods;
- Promote and increase the use of alternative modes of transportation such as walking, bicycling, car pooling, riding the bus or light rail;
- Encourage a mix of uses and balance of densities and intensities within identified activity areas accessible to alternative modes of transportation;
- Provide a quality of urban design (as defined within the standards) that attracts and encourages pedestrian activity;
- Reinforce public investments and private development to achieve a compact form of development conducive to walking, bicycling, and transit use; and
- Provide facilities that create a safe, *accessible*, comfortable and pleasant environment for people; maintain safe access for automobiles and adequate parking and minimize conflicts between vehicles and pedestrians.

Section 5-602 Boundaries.

The location and boundaries of the Transportation Overlay District are established as shown on the map entitled "Zoning Map, City of Tempe," dated November 17, 2005, as amended.

A. Properties are within the District if any portion of the parcel or development is:

1. Adjacent to a public right-of-way located within 1,950 linear feet from the center of a light rail station platform, measured along the center of the public right-of-way; or
2. Along a corridor ranging in width up to 800 feet, centered on the light rail line.

B. Properties are within a Station Area if any portion of the parcel or development is:

1. Adjacent to a public right-of-way located within 400 linear feet of a light rail station platform, measured along the center of any public right of way and including only properties adjacent to the public right-of-way.

- C. If any portion of a property falls within the boundaries established above, the balance of the property shall comply with these standards. For the purposes of determining development standards within the District, any property not within a *Station Area* is referred to as being in the *Corridor*.

Figure 5-602A. Transportation Overlay District Boundary Map

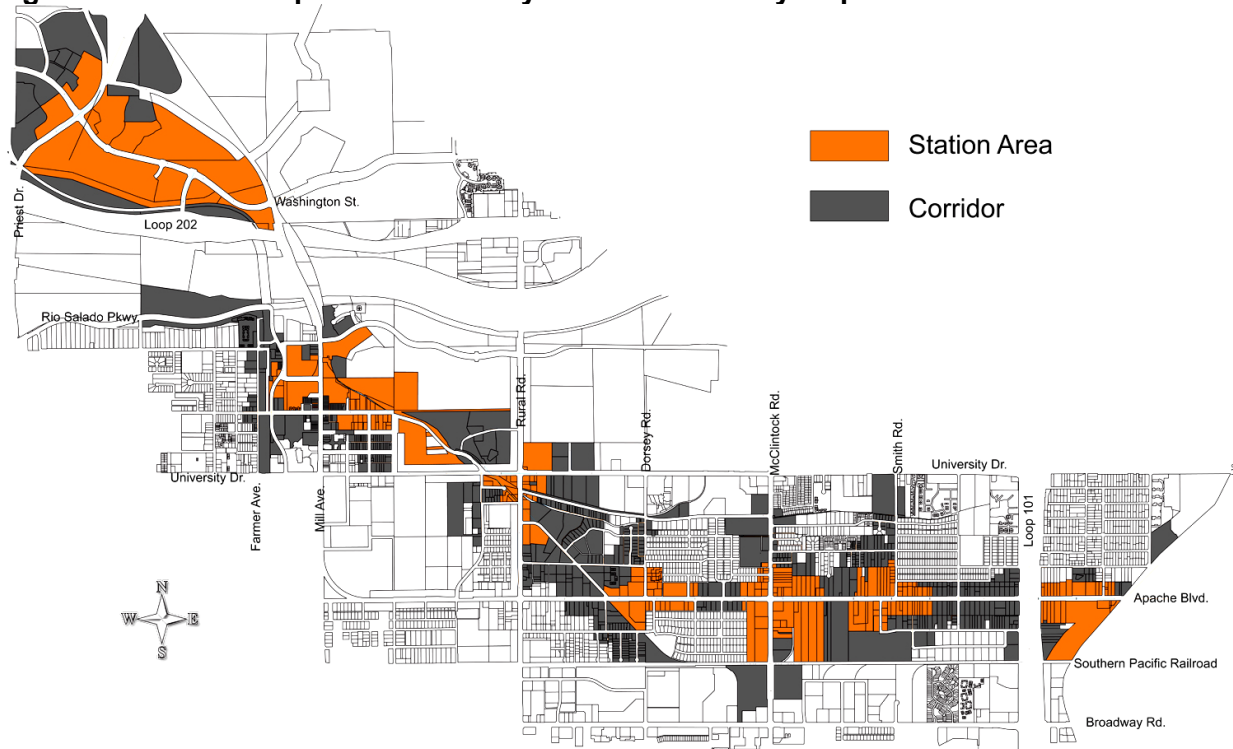
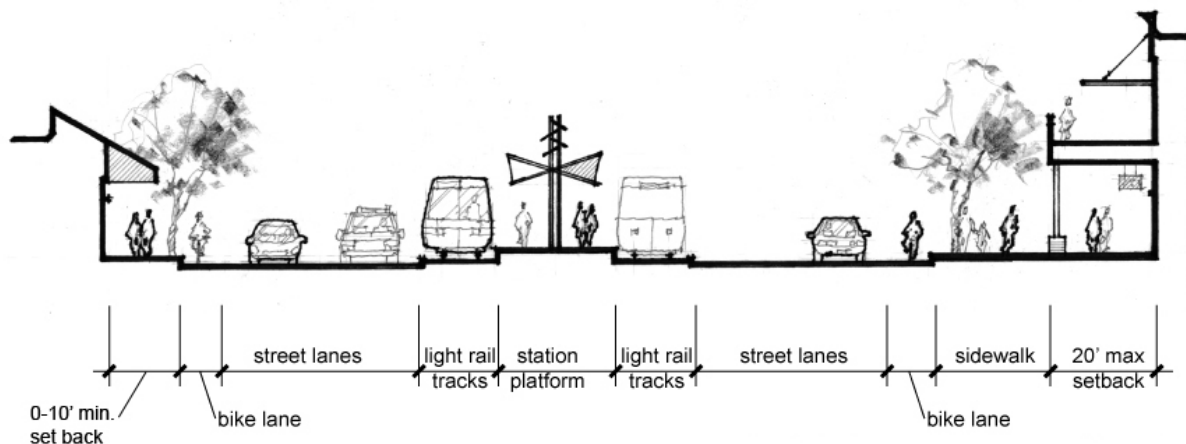


Figure 5-602B. Transportation Overlay District Cross Section of Typical Street



Section 5-603 **Applicability.**

A. **Applicability.** This chapter applies to all land use and development activity within the boundaries of the Transportation Overlay District except existing properties within the Single-Family Residential, Agricultural, Mobile Home or Mixed-Use-Educational zoned districts, or property within a Planned Area Development (PAD) recorded prior to the date of adoption of this Overlay. Regulations contained in this Chapter supplement and modify the provisions in many of the underlying zoning districts.

B. **Conformance.** A project can meet the requirements of the Chapter by:

1. Option A: Submitting and receiving approval for a project that conforms to the standards of the Chapter. These standards represent generally the level of transportation orientation the City requires.
2. Option B: Submitting and receiving approval for a project that generally conforms to the intent of the Transportation Overlay District as outlined in the purpose and objectives in Section 5-601 of this Chapter, while not meeting the literal standards of this Chapter. General conformance to the intent of this Chapter shall be determined through the *development plan* review process defined below:

The Applicant provides the Development Services Manager or designee a written letter requesting Option B. The letter should describe how the objectives in Section 5-601 and the pedestrian environment in Figure 5-612F are being met by the proposed development project. The letter must specify what deviations from the Overlay District standard(s) are being requested and how equivalency is being achieved. Within fourteen (14) business days the Development Services Manager, or designee, will review the request and provide a written response specifying which deviations are determined to meet, as well as those that have not met, an equivalency to the intent of this Code.

3. Option C: If an applicant is unable to use options listed above, the applicant may propose a zoning map amendment to a district allowing standards desired, using the process defined in Section 6-304 Zoning Map Amendments and Code Text Amendments; use a Planned Area Development Overlay as defined in Section 6-305 Planned Area Development Overlay Districts; request a use permit as needed, using the process defined in Section 6-308 Use Permit; or request a variance using the process defined in Section 6-309 Variances. Use of any of these requested processes are not a guarantee of the desired entitlements; granting of requests is determined by the authorized legislative body.

C. **Amendments.**

1. Zoning map amendments for a property that results in changes to zoning districts that are currently exempt from the Overlay, will require an amendment to this Overlay, in order to include the property.

2. Subdivision plat amendments for a property that is within, or adjacent to, the Overlay will require an amendment to this Overlay to either include or exclude the property, depending on whether the new parcels are inside or outside of the defined boundaries of the Overlay.
3. A property that is outside the Overlay District may be added to the Overlay if it is adjacent to a property that is within the boundaries of the Overlay. The property owner must obtain a zoning map amendment pursuant to Section 6-304 Zoning Map Amendments and Code Text Amendments.

D. Conflict between Transportation Overlay District, Zoning District, Overlays and Other Regulations. Where a conflict exists between a provision of the Transportation Overlay District and any underlying zoning district or development standard, the Transportation Overlay District provision shall govern. Where a conflict exists between provisions of the Transportation Overlay District, any other Overlay District, or the General Plan the provision that is most specific and restrictive to the situation as determined by the Zoning Administrator shall govern.

Section 5-604 Permitted Uses in Residential Districts.

The Transportation Overlay District does not modify the permitted use provisions of any Residential District.

Section 5-605 Permitted Uses in Commercial, Industrial, and Mixed-Use Districts.

The Transportation Overlay District modifies the permitted use provisions of all Commercial, Industrial and Mixed-Use Districts, except MU-Ed, as indicated in Section 5-606, Ground Floor Uses Required and Section 5-607, Permitted Uses Subject to a Use Permit.

Section 5-606 Ground Floor Uses Required.

- A. Purpose.** The purpose of this section is to require all non-residential zoning districts to provide uses which are accessible to the public on the first floor of the street facing side of buildings, to create an active pedestrian environment with public amenities, and to prevent development or uses which do not interact with the street, or that create impenetrable walls along the pedestrian walkway.
- B. Parking Structure Ground Floor Uses.** Parking structures within the *corridor* shall have no more than forty percent (40%) of the façade length on the ground floor of parking structures facing the street; the remaining street façade of the structure at the *ground level* may have any of the allowed uses (Sections 5-605, 5-606 and 5-607) facing the street. Parking structures located at street intersections shall comply with these standards on each street façade of the structure.

C. Ground Floor Uses in *Station Areas*. For land zoned commercial or mixed-use within *Station Areas*, buildings and parking structures shall be designed and built for occupancy of at least sixty percent (60%) of the ground floor street frontage with one or more of the uses listed below. Buildings and parking structures located at street intersections shall comply with these standards on each street façade of the structure. Land zoned Industrial is exempt from this requirement. Figures 5-606A and 5-606B illustrate examples of this requirement. These uses shall be subject to the provisions in Part 3, Land Use, for requirements of the underlying district.

1. Retail sales and service uses;
2. Restaurants and bars;
3. *Customer service offices* (any size office that has *customer point of service*);
4. Entertainment, except *adult oriented business*;
5. Hotels;
6. Clinics;
7. Child daycare and schools; or
8. Uses that are similar to those listed above, as determined by the Zoning Administrator.

Figure 5-606A. Example of 60% Ground Floor Uses on Street Frontage within *Station Areas*

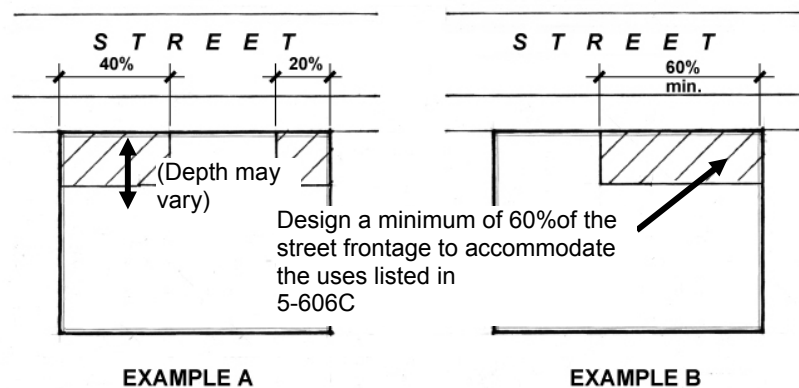


Figure 5-606B. Example of 60% Ground Floor Uses at Street Intersections within Station Areas

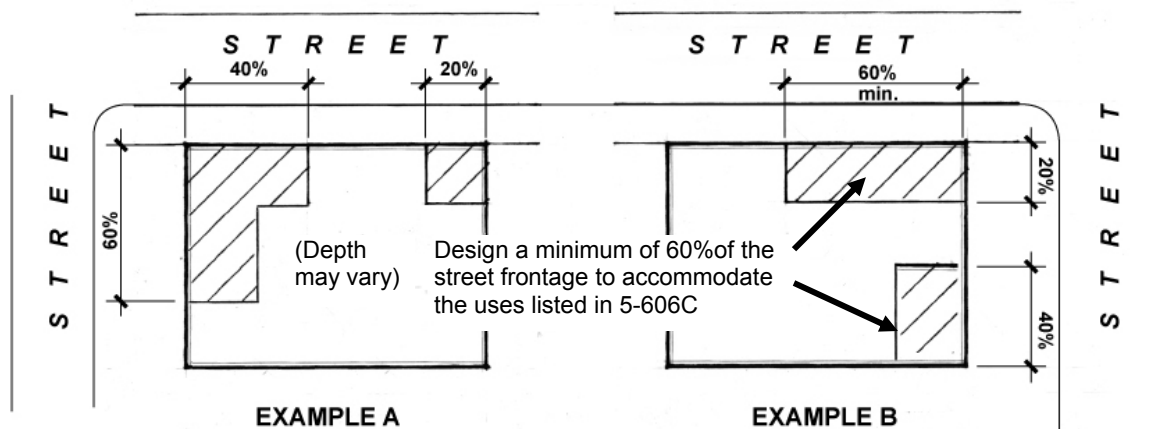
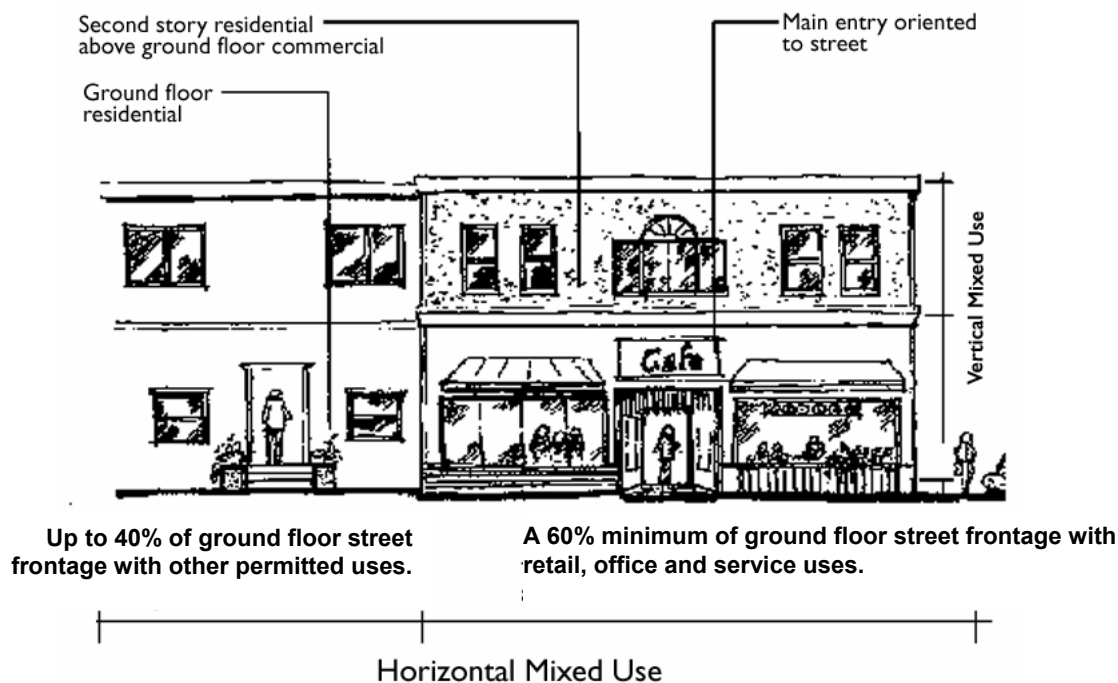
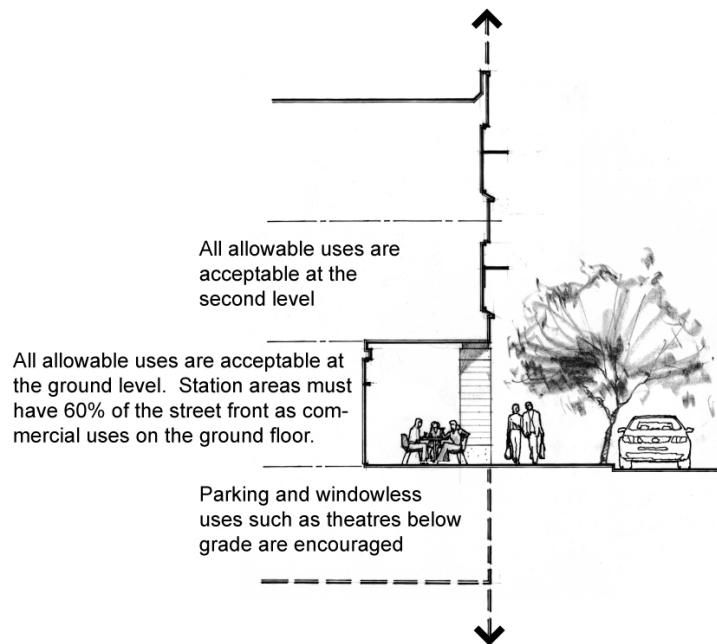


Figure 5-606C. Example of Ground Floor Uses



- D. Public Schools.** Street-level use requirements do not apply to public educational uses. *Public school or public university* uses are encouraged to abide by the provisions of this chapter.

Figure 5-606D. Illustration of Uses Above and Below Ground Floor

Section 5-607 Permitted Uses Subject to a Use Permit.

- A. Purpose.** The purpose of this section is to provide a public hearing process for uses which may or may not be appropriate to the area, depending on site context.
- B. Uses Allowed with a Use Permit.** In addition to those uses defined by the underlying zoning, the following uses are permitted with a use permit within the Commercial, Mixed-Use and Industrial Zoning Districts within the Transportation Overlay District.
1. Sales or rentals of two-wheeled vehicles which serve as an alternative mode of transportation;
 2. Wholesale showroom, provided that the design is pedestrian-oriented;
 3. Bulk retail uses, including food and beverage sales;
 4. Magazine and newspaper gang boxes; or
 5. Residential developments on ground floor street frontages within *Station Areas*, where the market is unable to support the required 60% ground floor uses requirement, pursuant to Section 5-606 Ground Floor Uses Required, as verified by the Economic Development Division.

Section 5-608 Prohibited Uses.

- A. Purpose.** The purpose of this section is to prohibit uses which do not contribute to a quality urban environment that attracts and encourages pedestrian activity, promotes the development of livable and sustainable neighborhoods, or provide facilities that create a safe, accessible, comfortable and pleasant environment for people.
- B. Prohibited Uses.** The following uses are prohibited within the entire Overlay District.
1. *Adult-oriented business*;
 2. Bulk *wholesale* uses including building materials, food and beverage sales, restaurant supplies, etc.;
 3. *Drive-in* businesses;
 4. *Drive-through* facilities, except as provided for in Section 5-608(E);
 5. Funeral homes, mortuaries and cemeteries;
 6. General manufacturing;
 7. *Kennels*;
 8. *Manufactured home* sales;
 9. *Mini-warehouse*;
 10. *Mobile home parks*, except in Mobile Home Districts;
 11. Nurseries or greenhouses;
 12. *Outdoor storage*;
 13. *Parking as a principle use*, except as provided for in Section 5-608(C);
 14. *Recreational vehicle* parks;
 15. Rental lots for motorized vehicles, boats or other recreational vehicles;
 16. Sales, repair or service of boats or other recreational vehicles;
 17. Sales, service, or rental of commercial equipment or construction materials;
 18. Salvage and recycling centers and transfer stations;
 19. Shipping or distribution, warehouse transport center;
 20. *Telecommunication hotels* on the ground level, or an any level of the street front;
 21. Vehicle towing services;

- 22. Vehicle sales, repair, wash, fueling or service , auto body repair or auto service stations except as provided for in Section 5-608(D); or
 - 23. *Warehouse* or other indoor storage.
- C. Parking as a Principle Use in Station Areas.** *Principle-use parking* is prohibited within *Station Areas*, except that parking facilities owned by the City or an operating transit agency, or private parking facilities operating as park-and-ride facilities in partnership with the City or an operating transit agency, are permitted.
- D. Motorist Amenity Uses in Station Areas.** *Motorist amenity* uses (car wash, automobile detailing, vehicle maintenance or repair) are permitted within *Station Areas* only when the use is accessory to a principal-use parking facility that is allowed by Section 5-608(B).
- E. Drive-Through Uses.** *Drive-through* uses are prohibited within *Station Areas*. *Drive-through* uses are subject to a use permit within the *Corridor*. In addition to the criteria listed in Section 6-308(F), *drive-through* use permit requests within the TOD corridor are evaluated on the basis of:
- 1. Extent of incorporation of pedestrian and transportation standards and guidelines promoted within the Transportation Overlay District;
 - 2. Extent to which the project provides a drive-through service not currently available in the area;
 - 3. Extent of benefit to individuals with limited mobility; and
 - 4. Compliance with Sec. 3-408, *Drive-Through* Facilities.

Section 5-609 Legal Non-Conforming Use or Development.

A legal non-conforming use is a use that is not permitted in the Transportation Overlay District, but was lawfully established prior to the establishment of the Transportation Overlay District. Expansions, rebuilding and reconstruction of structures housing a non-conforming use, and abandonment or change in use shall be subject to the provisions of Part 3 Chapter 5, Non-Conforming Use or Development.

Section 5-610 Development Standards for Residential Districts.

- A. Single-Family Residential Districts.** The Transportation Overlay District does not modify the development standards of any Agricultural or Single-Family District.
- B. Multi-Family Residential Districts.** The Transportation Overlay District does not modify the development standards of any Multi-Family District, except in *Station Areas*, as indicated in Table 5-610A.
- C. Mobile Home Residential Districts.** The Transportation Overlay District does not modify the development standards of any Mobile Home District.

- D. Transportation Overlay Street Setback.** Required Ground Floor uses shall conform to the maximum setbacks ranging from zero (0) to twenty (20) feet, as required in Table 5-610A, shall comply with the standards defined in Section 5-613(D), Minimum and Maximum setbacks, and shall have a *finished floor* that is no more than five (5) feet above or below adjacent sidewalk grade.

Table 5-610A –Station Area Standards in Multi-Family Districts						
Standard (Standards apply to Station Areas Only)	R-2 (TOD)	R-3R (TOD)	R-3 (TOD)	R-4 (TOD)	R-5 (TOD)	Use Permit Standard allows the following deviation from standards:
Maximum Density (dwellings/acre)	12	19	25	40	50	NA
Building Height (feet) Maximum ^a	35 ft	35 ft	40 ft	60 ft	70 ft	10% increase
Building height step-back required adjacent to SFR Districts, [Section 4-404]	Yes	Yes	Yes	Yes	Yes	NA
Maximum Lot Coverage (% of net lot area)	70%	70%	75%	75%	75%	10% increase
Min. Landscape Area (% of net lot area)	30%	30%	25%	25%	25%	10% decrease
Pedestrian Design Standards Apply [Section 5-612]	Yes	Yes	Yes	Yes	Yes	NA

Table 5-610A –Station Area Standards in Multi-Family Districts

Standard (Standards apply to Station Areas Only)	R-2 (TOD)	R-3R (TOD)	R-3 (TOD)	R-4 (TOD)	R-5 (TOD)	Use Permit Standard allows the following deviation from standards:
Setbacks: [See Setback Exceptions, Sec. 4-205B]						
Front – Minimum						20% decrease
▪ Open Structures (e.g. porch, balcony, patio wall)	5 ft	5 ft	5 ft	5 ft	5 ft	
▪ Building wall	10 ft	10 ft	10 ft	10 ft	10 ft	
▪ Parking and maneuvering	20 ft	20 ft	20 ft	20 ft	20 ft	
▪ Structured Parking	5 ft	5 ft	5 ft	5 ft	5 ft	
Front – Maximum [Sec. 5-513 (C)]	20 ft	20 ft	20 ft	20 ft	10 ft	20% increase
Side – Minimum						20% decrease
▪ Porch, balcony, patio wall	5 ft	5 ft	5 ft	5 ft	5 ft	
▪ Building walls	10 ft	10 ft	5 ft	5 ft	5 ft	
▪ Common walls	0 ft	0 ft	0 ft	0 ft	0 ft	
Street Side – Minimum						20% decrease
▪ Building (subject to clear vision requirement on streets)	10 ft	10 ft	10 ft	10 ft	10 ft	
▪ Open Structures	7 ft	7 ft	7 ft	7 ft	7 ft	
▪ Structured Parking	5 ft	5 ft	5 ft	5 ft	5 ft	
▪ Parking and maneuvering	20 ft	20 ft	20 ft	20 ft	20 ft	
Rear – Minimum						20% decrease
▪ Building wall	15 ft	15 ft	10 ft	10 ft	10 ft	
▪ Common walls adjacent to alley	0 ft	0 ft	0 ft	0 ft	0 ft	
▪ Open Structures	7 ft	7 ft	7 ft	7 ft	7 ft	

^a Buildings which exceed the height of adjacent buildings, and are adjacent to any Residential District, or are adjacent to a hotel or a mixed-use development with photovoltaic equipment (solar collectors, water heaters, etc.) or a swimming pool, must provide a solar study, identifying shade patterns at 9am, Noon, 3pm and 5pm, on the vernal equinox, summer solstice, autumnal equinox and winter solstice.

Section 5-611 Development Standards for Commercial, Mixed-Use, and Industrial Districts.

- A. Commercial Districts.** All development located in the Transportation Overlay District with the underlying zoning of CC, CSS, PCC-1, or PCC-2 District shall conform to the development standards in Table 5-611A. The Transportation Overlay District does not modify the standards of the underlying district for the R/O and RCC Districts. Refer to Section 4-203 Development Standards for Commercial and Mixed-Use Districts.
- B. Mixed-Use Districts.** All projects located in the Transportation Overlay District with the underlying zoning of MU-1, MU-2, MU-3 or MU-4 Districts shall conform to the development standards in Table 5-611B.
- C. Industrial Districts.** The Transportation Overlay District does not modify the standards of any Industrial District, except for standards identified in Section 5-612(H), Pedestrian and Transit Patron Amenities. Refer to Section 4-204, Development Standards for Office/Industrial Districts.
- D. Transportation Overlay Street Setback.** Required Ground Floor uses shall conform to the maximum setbacks ranging from zero (0) to twenty (20) feet as required in Tables 5-611A and 5-611B, shall comply with the standards defined in Section 5-613(D), Minimum and Maximum Setbacks, and shall have a *finished floor* that is no more than five (5) feet above or below adjacent sidewalk grade.

Table 5-611A - Transportation Overlay District Development Standards in Commercial Districts					
Standard (Standards apply to entire District, unless otherwise specified.)	CC (TOD)	CSS (TOD)	PCC-1 (TOD)	PCC-2 (TOD)	Use Permit allows the following deviation from standards:
Maximum Residential Density (dwellings/acre) in <i>Station Areas</i> – Use Permit required for residential uses	NS	25 (U)	20 (U)	30 (U)	NA
Building Height Maximum (feet): ^a					
<i>Corridor</i>	50 ft	35 ft	35 ft	50 ft	20% increase
<i>Station Areas</i> without residential	75 ft	35 ft	40 ft	45ft	20% increase
<i>Station Areas</i> with residential building story(s) above commercial	100 ft	45 ft	55 ft	60 ft	20% increase
Building height step-back required adjacent to SFR Districts. [See Section 4-404]	Yes	Yes	Yes	Yes	NA
Max. Lot Coverage (% of net lot area)	NS	75%	75%	80%	20% increase
Minimum Landscape Area (% of net lot area)	NS	25%	25%	20%	10% decrease
Ground Floor Use Standards Apply in <i>Station Areas</i> [Section 5-606]	Yes	Yes	Yes	Yes	NA

Table 5-611A - Transportation Overlay District Development Standards in Commercial Districts					
Standard (Standards apply to entire District, unless otherwise specified.)	CC (TOD)	CSS (TOD)	PCC-1 (TOD)	PCC-2 (TOD)	Use Permit allows the following deviation from standards:
Pedestrian Design Standards Apply [Section 5-612]	Yes	Yes	Yes	Yes	NA
Setbacks [See Setback Exceptions, Section 4-205]:					
Front – Minimum	0 ft	0 ft	0 ft	0 ft	
Parking and maneuvering	20 ft	20 ft	20 ft	20 ft	10% decrease
Front setback – Maximum ^b	0 ft	10 ft	10 ft	10 ft	10% increase
<i>Station Areas</i> ^c	0 ft	6 ft	6 ft	6 ft	10% increase
Side – Minimum	0 ft	0 ft ^d	20 ft	20 ft	10% decrease
Street Side – Minimum, subject to vision requirement on streets	0 ft	0 ft	0 ft	0 ft	
Parking and maneuvering	20 ft	20 ft	20 ft	20 ft	10% decrease
Rear – Minimum	0 ft	10 ft	20 ft	20 ft	10% decrease

^a Buildings which exceed the height of adjacent buildings, and are adjacent to any Residential Districts, or are adjacent to a hotel or a mixed-use development with photovoltaic equipment (solar collectors, water heaters, etc.) or a swimming pool, must provide a solar study, identifying shade patterns at 9am, Noon, 3pm and 5pm, on the vernal equinox, summer solstice, autumnal equinox and winter solstice.

^b Where *ground level* retail uses are present, setback may be increased up to twenty (20) feet for outdoor seating and patio dining.

^c Features such as overhangs, porticos, balconies, pedestrian arcades, covered (non-enclosed) bicycle parking and similar architectural features placed on or in front of the street-facing side of the building are allowed within the setback.

^d Properties zoned CSS adjacent to residentially zoned properties are required a minimum 10-foot side yard setback on the side adjacent to the residential property.

(U) Denotes use permit requirement in these Districts.

Table 5-611B - Transportation Overlay District Development Standards in Mixed-Use Districts ^a					
Standard (Standards apply to <i>Station Areas</i> and <i>Corridor</i> , unless otherwise specified.)	MU-1 (TOD)	MU-2 (TOD)	MU-3 (TOD)	MU-4 (TOD)	Use Permit Allows the following deviation from standards
Maximum Residential Density (dwelling units/acre) <i>Station Areas</i>	15	25	35	NS	NA
Building Height Maximum (feet): ^a <i>Corridor</i> <i>Station Areas</i>	35 ft 45 ft	40 ft 50 ft	50 ft 60 ft	NS NS	20% increase 20% increase
Building height step-back required adjacent to SF Districts. [See Section 4-404]	Yes	Yes	Yes	Yes	NA
Maximum Setback	20 ft	20 ft	20 ft	20 ft	NA
Ground Floor Use Standards Apply in <i>Station Areas</i> [Section 5-606]	Yes	Yes	Yes	Yes	NA
Pedestrian Design Standards Apply [Section 5-612]	Yes	Yes	Yes	Yes	NA

NS= No Standard.

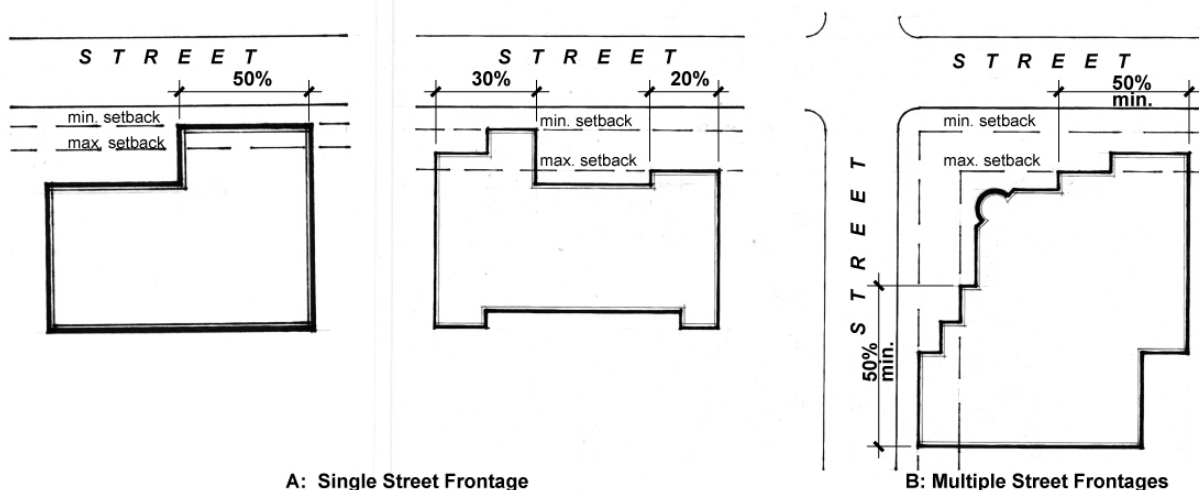
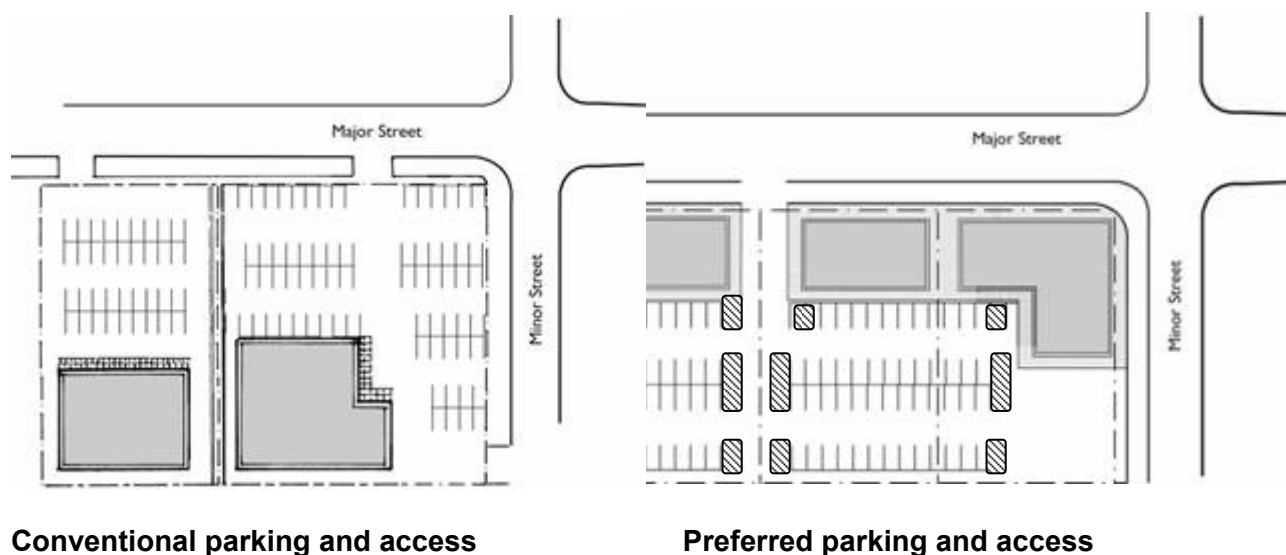
^a Buildings which exceed the height of adjacent buildings, and are adjacent to any Residential Districts, or are adjacent to a hotel or a mixed-use development with photovoltaic equipment (solar collectors, water heaters, etc.) or a swimming pool, must provide a solar study, identifying shade patterns at 9am, Noon, 3pm and 5pm, on the vernal equinox, summer solstice, autumnal equinox and winter solstice.

Section 5-612 Pedestrian Oriented Design Standards.

- A. Purpose.** Since all trips begin and end as pedestrian trips, the quality of the pedestrian environment and the nature of the pedestrian linkages between land uses and transportation modes play a large role in the success of this multi-modal transportation system. The purpose of this section is to require a quality of urban design that attracts and encourages pedestrian activity, creates a safe, accessible, comfortable and pleasant environment for people and minimizes conflicts between vehicles and pedestrians.

- B. Applicability.** The provisions of this section shall apply to all new development, redevelopment, and exterior *alterations* to existing development in all zoning districts within the Transportation Overlay District.
- C. Exemptions.** The following items are exempt from the requirements of this Section:
1. Single-Family, Agricultural and Mobile Home Districts, are not part of the Transportation Overlay District; however, owners/occupants of property within these districts adjacent to the Transportation Overlay District are encouraged to plant and maintain trees within yards and landscape areas adjacent to public sidewalks for the purpose of providing shade and comfort. Neighborhoods are also encouraged to apply for neighborhood grants which facilitate pedestrian enhancements within the specified boundaries of this District;
 2. City, State or Federal Historic-designated properties, districts or buildings;
 3. Repair, maintenance, and replacement with comparable materials pursuant to Part 3 Chapter 5, Legal Non-Conforming Use or Development;
 4. Modifications to a structure to meet the requirements of the Americans with Disabilities Act;
 5. *Exterior alterations* to the existing development where the *alterations* are valued at forty percent (40%) or less of the building value as determined by a qualified appraiser and as approved by the Development Services Manager or designee. (Property owners may request a use permit to be included within Section 5-612 standards for alterations valued at forty percent (40%) or less of the building value, however all standards are then applicable to the development);
 6. Expansions to existing facilities which result in required compliance with this code that is not feasible or prudent, as determined by the Development Services Manager; or
 7. Industrial Districts, except for standards identified in Section 5-612(H), Pedestrian and Transit Patron Amenities.
- D. Maximum and Minimum Building Setbacks.** The purpose of this section is to reduce the distance that pedestrians must walk to access buildings by bringing buildings closer to the street edge of the property, while providing opportunities for pedestrian amenities and variation in building façade. The maximum building setbacks of the Transportation Overlay District (Tables 5-610, 5-611A, and 5-611B) are applicable to new buildings, as follows:
1. At least fifty percent (50%) of the length of the ground floor street-facing façade of the building must be at or within the maximum setback, as indicated in Figure 5-612A. No structure may be within the minimum setback, except as specified under minimum setbacks. When a building fronts onto more than one public street, this standard shall be met for each street.

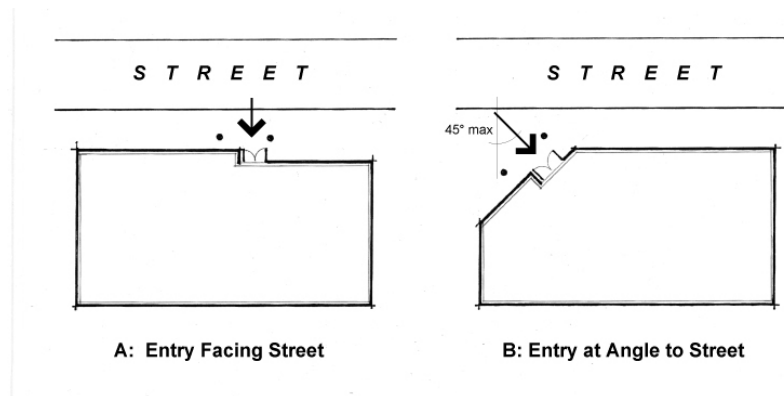
2. Where the minimum front yard setback is zero (0) feet, and the street front right-of-way line is eight (8) feet or less from the back-of-curb, buildings must be set back on the ground floor to allow a dedicated fourteen (14) foot back-of-curb right-of-way or pedestrian easement to accommodate pedestrian activity on the street front of the building.
3. Parking shall be provided behind buildings, as indicated in Figure 5-613B preferred parking and access.

Figure 5-612A. Maximum Building Setback**Figure 5-612 B. Parking Location**

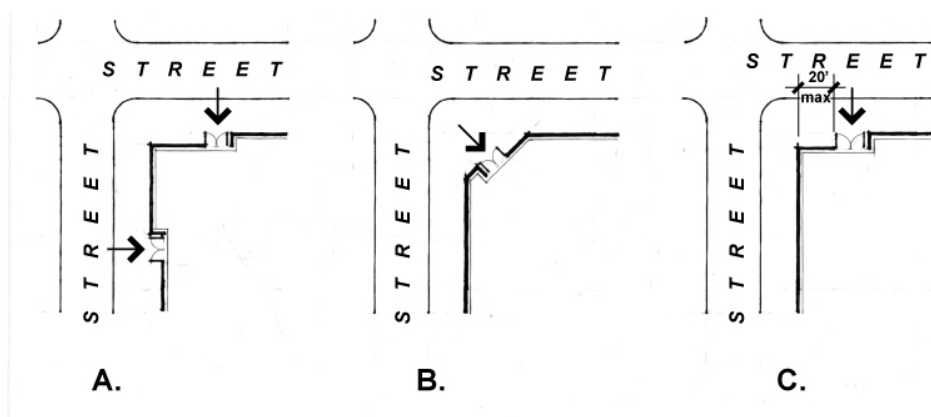
E. Building Entrances. The purpose of this section is to provide convenient street front pedestrian access to buildings. New buildings shall provide entrances that conform to the following standards:

1. New commercial, civic, and mixed-use buildings shall provide a *primary building entrance* that either faces an adjacent street or is placed at an angle of up to forty-five degrees (45°) from an adjacent street, measured from the street property line, as shown in Figure 5-612C. New commercial, civic, and mixed-use buildings adjacent to a bus transit stop or adjacent to a light rail station shall orient a *primary building entrance* to face the stop or station.

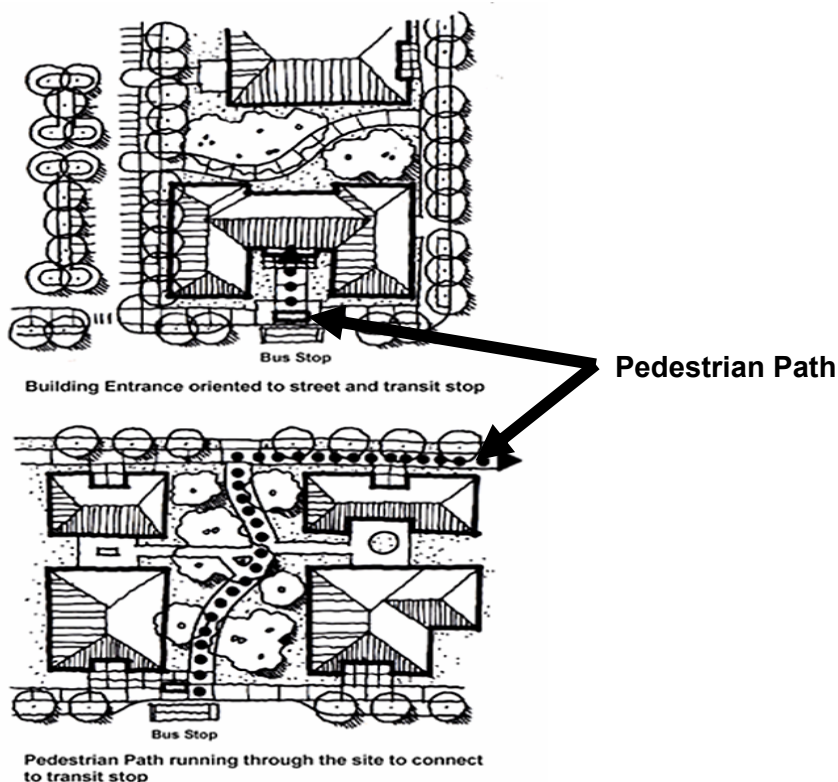
Figure 5-612C. Building Entrances



2. New commercial, civic, and mixed-use buildings shall provide a *primary building entrance* not more than twenty (20) feet from the street sidewalk unless adjacent to a public pedestrian courtyard/plaza. Building entrances must be connected to the sidewalk with a pathway that meets the standards in Section 4-503, Pedestrian and Bicycle Access and Circulation Standards.
3. When located at the intersection of two public streets, the building shall provide one of the following:
 - a. Provide two primary entrances, one facing each street;
 - b. Orient one primary entrance to both streets by placing the entrance at the street corner; or
 - c. Place one entrance so that it is not more than twenty (20) feet from either street, as indicated in Figure 5-612D.

Figure 5-612D. Building Entrances at the Intersection of Two Streets

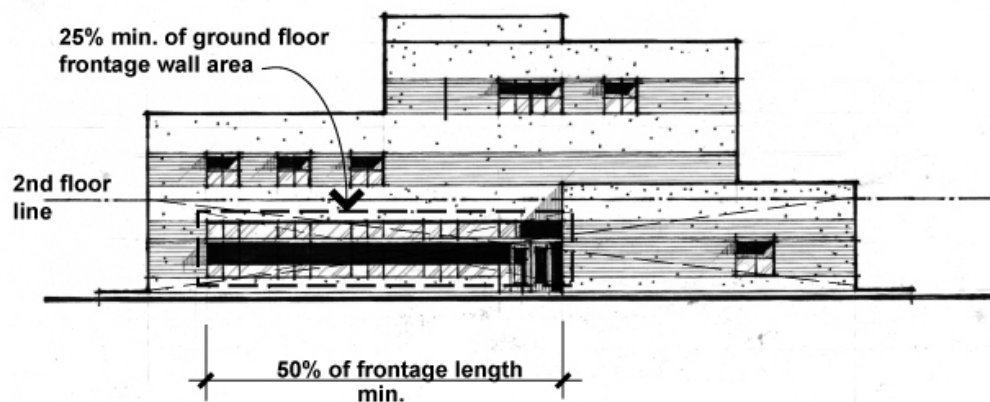
4. When a building or development consists of more than six hundred (600) linear feet of street frontage, pedestrian access into the site shall be provided by means of an opening in the building frontage, such as a courtyard, breezeway or other means of access.
5. Residential buildings shall have direct and convenient means of access to transit (e.g., via a pathway) as indicated in Figure 5-612E. Residential buildings may open onto a porch or patio located between the building and street, and may have a privacy wall no greater than four (4) feet tall.

Figure 5-612E. Building Entrances and Access to Transit

F. Ground Floor Windows. The purpose of this section is to require visibility and access to and from buildings at the street front of a development in order to create a safe and interactive environment. Buildings along street frontages shall provide *ground floor windows* that conform to the following standards:

1. *Ground Floor windows* shall be provided in at least fifty percent (50%) of the building length and twenty-five percent (25%) of the *ground level* wall area of all buildings façades that face a street or plaza. Ground floor window requirements shall apply to the area of the façade between three (3) feet and eight (8) feet above the adjacent finish grade or public sidewalk, whichever is greater. This requirement does not apply to residential units or to parking structures when set back at least five (5) feet and screened with landscape materials in conformance with Section 4-704, Parking Facility Landscape Standards.

Figure 5-612F. Ground Floor Windows



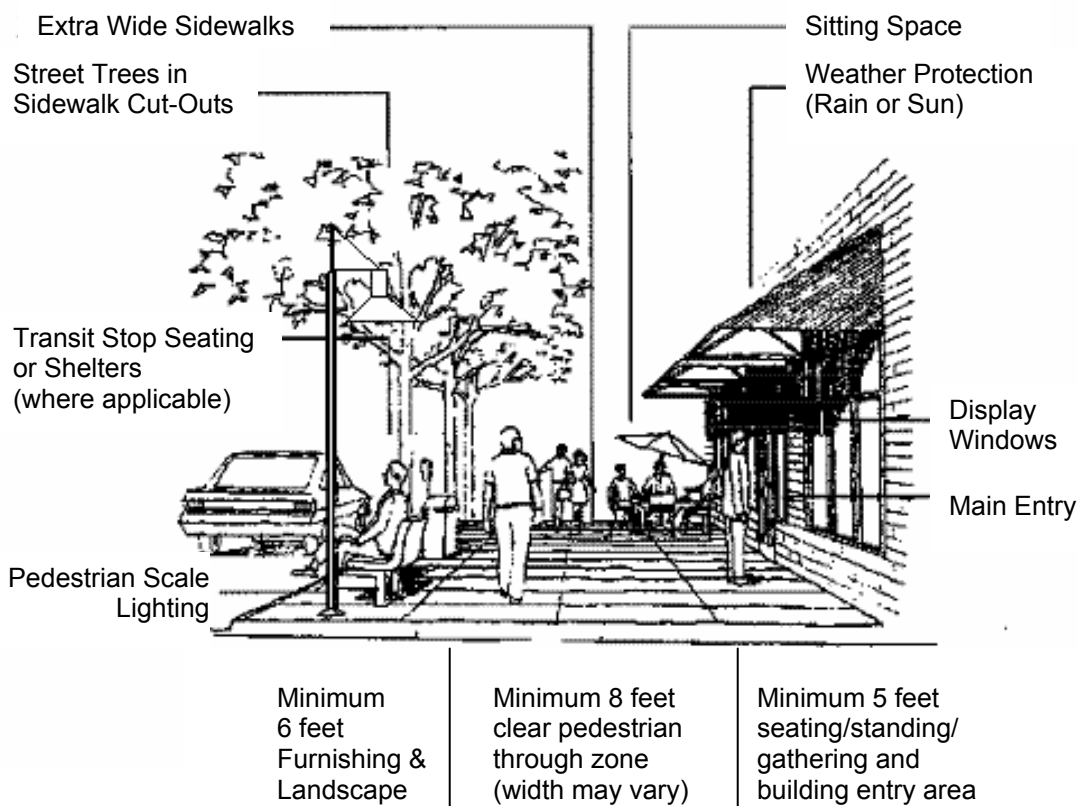
2. Required window areas must be either windows that allow views into working areas, lobbies, pedestrian entrances or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than four (4) feet above the adjacent finish grade or public sidewalk. Transparent areas shall allow views into the structure or into display windows from the outside. Only clear or lightly tinted glass with up to fifty percent (50%) transparency for windows, doors, and display windows shall be considered transparent. Opaque, etched, frosted or mirrored glass is not transparent.

G. Street-Facing Façades. The purpose of this section is to require visibility and access to and from buildings on the street in order to create a safe and interactive environment. At least fifteen percent (15%) of the area of each façade that faces a street lot line on all building stories must be windows, openings or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block shall not be considered windows. Windows in garage doors do not meet this standard, but windows in garage walls do.

H. Pedestrian and Transit Patron Amenities.

1. The land between a building or exterior improvement (patio, porch, courtyard) and the back-of-curb must be landscaped and/or hard-surfaced for use by pedestrians and contain pedestrian amenities such as benches, drinking fountains, cooling systems and/or other design elements (e.g., public art, planters, and kiosks) and be physically separated from parking areas by a landscape buffer that meets the standards in Section 4-704, Parking Facility Landscape Standards.
2. The placement of shade-bearing elements and seating shall maximize shading for summer mid-day and afternoon hours.
3. Any *shade structure* that is also proposed to serve as a transit patron waiting area shall conform to the City standards for transit shelters. All landscape provided shall be located to not obstruct the transit shelter canopy or visibility of a transit stop.
4. Covered front porches, canopies, awnings, porticos, pedestrian arcades and similar shade-bearing features that used to meet this standard are exempt from the building site coverage requirements, and may be allowed to encroach in the city right-of-way, subject to an encroachment permit. See Section 5-612(S).

Figure 5-612F. The Complete Pedestrian Environment



This figure represents the intent of this Code for creating a complete pedestrian environment. Existing right-of-way may not provide sufficient area to create this throughout the corridor. Provisions for pedestrian amenities are encouraged within private property to meet this intent.

- I. Residential-Facing Façades.** The purpose of this section is to assure that new development retains privacy for existing residences and considers the views of the new development from the residences. For properties without an alley, adjacent to Single-Family, Multi-Family or Mixed-Use districts, the site design shall:
1. Provide landscape buffers and screening to assure the privacy of adjacent residents;
 2. Minimize building heights shade impacts on adjacent solar equipment, gardens or pools;
 3. Design buildings to have similar attention to detail as the street front façade to provide visual interest in materials and structure to address potential views from residences; and
 4. Screen delivery entrances from residential view.
- J. Minimum Parking Ratios.** The purpose of this section is to provide an optional reduction in parking to developments within the Overlay District; this may be done at the time of development, or planned into a future phasing to assure parking availability prior to light rail construction. The minimum number of required parking spaces, as provided in Section 4-603, is reduced for commercial uses that meet the criteria in Table 5-612A. The other methods of parking reduction (shared parking, parking demand model) provided in Section 4-604 Shared Parking, are also available for use in the Transportation Overlay District.

Table 5-612A - Transportation Overlay District Reductions to Minimum Parking		
	Developments Within Station Areas	Developments within Corridor
Retail sales and service uses; customer service offices; and entertainment uses, excluding theaters.	Parking waived for 50 percent of floor area not to exceed 30,000 square feet of floor area.	Parking waived for 25 percent of floor area not to exceed 10,000 square feet of floor area.
Theaters	Parking waived for first 150 seats.	Parking waived for first 50 seats.
<i>Restaurants, Bars and Clubs</i>	Parking waived for 50 percent of floor area not exceed 2,500 square feet of floor area.	Parking waived for 25 percent of floor area, not to exceed 1,250 square feet of floor area.
Multi-Family Use	0.75 parking spaces per bedroom (round up to whole number) plus guest parking.	0.75 parking spaces per bedroom (round up to whole number) plus guest parking.
Outdoor Dining Area	No Standard	No Standard

- K. Maximum Parking Ratios.** Uses in the Transportation Overlay District shall conform to the maximum parking ratios in Section 4-603(E).

- L. On-Street Parking.** When allowed within the street right-of-way, on-street parking along the lot frontage shall count towards the parking requirement for uses on the lot.
- M. Sidewalk Standards.** Public sidewalks within the Transportation Overlay District shall have a minimum width of eight (8) feet, unobstructed by light poles, parking meters, street furniture, plant materials, fences, fire hydrants, or other obstructions.
- N. Landscape Standards.** All standards and restrictions of Part 4 Chapter 7, Landscape Standards, are applicable, with the following additions and exceptions:
 - 1. Plant materials within five (5) feet of sidewalks or bike lanes shall not include any plants with thorns, spines or sharp points;
 - 2. Trees shall be planted within six (6) feet of sidewalks, or as determined by the Public Works Department to provide sufficient shade when trees have grown to mature form; and
 - 3. Mature trees must be trimmed for an eight (8) feet clear vertical height from top of walkway surface to the bottom of the tree canopy.
- O. Loading, Delivery, and Service Entrances.** Site design must accommodate loading needs while preserving accessibility, mobility and safety for all other users.
 - 1. Provide sufficient space for safe maneuvering and ingress and egress of larger vehicles. Through-access solutions should be provided to minimize or eliminate turning within parking lots and minimize the amount of needed hardscaped area for maneuvering.
 - 2. Provide signs at entrance and exit points for loading and delivery, and provide audible signal when vehicle approaches pedestrian paths where appropriate. Understandable right-of-way signage shall be provided where truck, auto, pedestrian and bike conflicts may occur.
 - 3. Delivery vehicles should access loading from alleys or side streets where possible to minimize conflicts along heavy traffic areas.
 - 4. Deliveries during daylight off-peak traffic hours are preferred (when noise is not in conflict with residential uses).
- P. Open Space.** *Station Areas* shall include public open space as defined and determined within Station Area Plans. Within the *corridor*, public plazas, pocket parks, roof top gardens, courtyards and other forms of open space are encouraged. Retention areas may be used for park and recreation amenities as long as the primary use for storm water retention is still met. Pedestrian connections and corridors from neighborhoods through developments are encouraged to provide connectivity to open space amenities.

Q. Station Areas. Station Area Plans will provide additional planning needs around light rail stations and identify future development opportunities. Station area plans identify land uses around each station, and design and development guidelines that can enhance the pedestrian environment and encourage transit ridership for the system. The station area plans shall define other design standards determined necessary to achieve a specific character for an area. The Station Area Planning Process can also evaluate the need for expanded *TOD* boundaries and/or creating pedestrian linkages along streets as needed. This would result in an amendment to the *TOD*. Station area planning may include a combination of any of the following:

1. Land Use Inventory
 - a. Existing and projected land uses
 - b. Zoning analysis
 - c. Land ownership analysis
 - d. Open space assessment
 - e. Vacant land inventory
2. Neighborhood Character Analysis
 - a. Visioning process
 - b. Neighborhood focus groups
3. Light Rail Station Connectivity
 - a. Bike, pedestrian, bus and vehicular linkages
 - b. Neighborhood connections
 - c. Off-street paths, canals or trails
 - d. Critical linkages
4. Opportunity Site Assessment
 - a. Underutilized property analysis
 - b. City controlled property
 - c. Opportunity site options
5. Streetscape Design
 - a. Street lighting and furniture
 - b. Landscape improvements
 - c. Shade
 - d. Public art
6. Best Practices in Other Cities
7. Community Outreach
 - a. Neighborhoods, businesses and developers

R. Shade Standards. Public sidewalks shall be shaded with a minimum of thirty-three percent (33%) full shade. Shade may be provided by trees, green walls, trellises, canopies, or other structural features. Shade shall cover the walkable surface at 3pm on the date of the summer solstice, verified by a development shadow study. Shade calculations for trees will assume canopy growth at five years from planting.

- S. Structural Encroachment Standard.** The encroachment of buildings and structures including marquees, awnings, balconies, and other architectural projections is permitted on a case by case basis with review by the City Engineer, or designee, as part of the encroachment permit process defined in Tempe City Code Chapter 8, Section 3202-3206. In addition to the encroachment permit, sidewalk cafes are required to obtain a specialty license from the City of Tempe's Tax and License Division, using the process defined in Tempe City Code Chapter 24, Division 4.

- C. Notice of Decision.** Written notice of the decision made by the decision-making body in a public meeting shall be provided to the applicant and property owner (if different) and made available for public inspection at the Development Services Department.

Section 6-404 Notice for Public Hearings.

- A. Public Notice.** Public hearings shall be preceded by public notice in accordance with this section and Arizona open meeting law. Public hearings for General Plan amendments have additional notification requirements; see Section 6-302. When multiple applications are under review for the same project, the city may simultaneously issue notice for multiple applications. Such notice may be given in the initial posting and of the initial hearing and any subsequent hearing.
- B. Agenda.** Upon receiving a complete application for action requiring a public hearing under this Code, the Development Services Manager, or designee, shall place the request upon the next available agenda for a regular meeting of the decision-making body.
- C. Notification Requirements.** The Development Services Department or the City Clerk shall issue public notices for all types of hearings under this Code as follows:
1. Posting the agenda at City Hall at least twenty-four (24) hours prior to such meetings, in accordance with Arizona open meeting law;
 2. The development site shall be posted with public notice about the hearing not less than fifteen (15) calendar days prior to the dates of public hearings, a notice of the date, time and place of each public hearing and a summary of the request. Such notice shall be clearly legible and wherever possible, placed adjacent to the right-of-way of a *public street* or road. It shall be the responsibility of the applicant to use reasonable efforts to maintain the notice once it has been placed on the subject property. The Development Services Department will install the *sign(s)*, at a cost to the applicant. Signs shall be no smaller than sixteen (16) square feet, except applications for *single-family dwellings* and inline commercial sites without *landscape* frontage, when not part of a zoning map amendment or PAD overlay. Such sign shall be no smaller than six (6) square feet. Hearing signs are not required for Zoning and Development Code text amendments;
 3. Submitting for publication in the official newspaper the hearing notice, at least once, fifteen (15) days prior to the public hearing; and
 4. Mailing a hearing notice not less than fifteen (15) calendar days prior to the date of the initial hearing to:
 - a. The applicant or representative and owners of the subject property;
 - b. All property owners of record within three hundred (300) feet of the subject property which are included on the mailing list submitted by the applicant;
 - c. The chairperson of the registered neighborhood association(s) and home owners association(s) within the vicinity of the project;

- d. All tenants, within the boundary of the subject property(ies), for projects with commercial, industrial or *mixed-use* zoning districts; and
 - e. Mailing of hearing notices does not apply to Zoning and Development Code text amendments.
5. If notification is required for a public hearing with City Council, the City Clerk shall submit for publication in the official newspaper the request, at least once, fifteen (15) days prior to the meeting. If a Tempe City Code amendment is involved, the City Clerk shall comply with the requirements of the City Charter.
- D. Content of Public Hearing Notice.** Public hearing notices pursuant to Section 6-404(C) shall contain:
- 1. The name of the applicant or owner;
 - 2. A description of the subject property reasonably sufficient to inform the public of its location;
 - 3. A concise description of the proposed *development* or use;
 - 4. The designation of the hearing body; and
 - 5. The time, date and place of the hearing.
- E. Decision Notice.** Written notice of the decision of the hearing body shall be provided to the applicant and property owner (if different). The notice of decision shall contain a brief summary of the decision and conditions of approval, if any.

Section 6-405 Notice of Appeals.

Notice of an appeal of a decision made at the public meeting or public hearing shall be provided in the same manner as the original meeting or hearing.

Section 6-406 Staff Reports.

- A. Staff Reports for Boards and Commissions.** After any application has been submitted for a public hearing/meeting as provided for in this Code and has been placed on an agenda, the Development Services Department shall prepare a written report for the decision-making body that includes the following information:
- 1. The name of the applicant or initiating party;
 - 2. A description of the subject property or amendment, including any maps, drawings etc.;
 - 3. A statement of the proposed request and any history pertinent to such request or property;

Alteration, exterior means a physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways. Exterior alteration does include the following:

1. Changes to the facade of a building;
2. Increases or decreases in floor area that result in changes to the exterior of a building;
3. Changes to other structures on the site or the development of new structures;
4. Changes to exterior improvements;
5. Changes to landscaping; and
6. Changes in the topography of the site.

Amusement game arcade means a building or portion thereof having within its premises:

1. Ten (10) or more *amusement game devices*; or
2. Fifteen percent (15%) of the net floor area of the primary use or nine (9) or fewer amusement game devices when not utilized in conjunction with a primary commercial use which is permitted by right or as a conditional use. Net floor area for the purpose of this definition is that area available for customer use.

Amusement game device means any electrical or mechanical apparatus or device for which payment is charged for use as a game or contest, including video games and pinball machines, but not including:

1. Vending machines;
2. Juke boxes;
3. *Billiards hall*; and
4. *Adult video facility*.

Antenna dish see "*mechanical equipment*".

Apartment house means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as the residence of three (3) or more families living independently of each other and where each has cooking facilities.

Attached single-family housing see "*single-family dwelling, attached*".

Auto Body repair means an automotive retail sales and service use in which one (1) or more of the following activities are carried out:

1. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over ten thousand (10,000) pounds gross vehicle weight;
2. Collision services, including body, frame or fender straightening or repair;
3. Overall painting of vehicles or painting of vehicles in a paint shop;
4. Dismantling of motorized vehicles in an enclosed structure.

Automobile wrecking yard see "junkyard".

Auto title loan means a business that operates as a short term loan company which provides a loan by holding the title of an automobile.

Section 7-103 “B” Definitions.

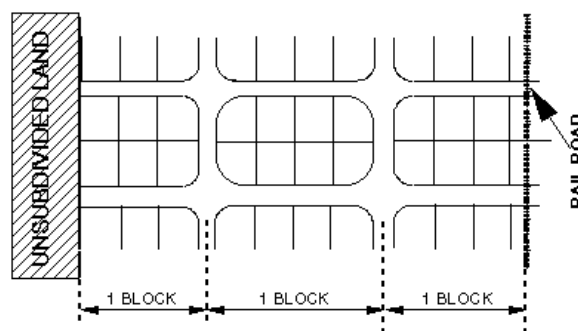
Bar means an establishment, including, but not limited to, a cocktail lounge, discotheque, night club or tavern, the main use of which is to serve spirituous liquors for on-site consumption. Such a facility may serve food, provide dancing and entertainment as well as operate equipment commonly found in a video or live arcade, as an accessory use (s) to the bar. See also, “pub.”

Bed and breakfast means a use providing lodging and meals for guests in not more than five (5) bed rooms on a daily or weekly basis in an operator- or owner-occupied dwelling that is primarily used for this purpose. The use is operated as a commercial enterprise, provides direct bookings from the public, and includes inns that operate restaurants offering meals to overnight guests.

Billiards hall means an establishment containing four (4) or more billiard tables and which may indulge in the sale of alcoholic beverages, as well as the operation of equipment commonly found in a video arcade.

Block means that property abutting one side of a street and lying between the two (2) nearest intersecting streets, or nearest intersecting street and railroad right-of-way, unsubdivided land, or waterways, but not an alley, of such size as to interrupt the continuity of development on both sides thereof.

Figure 7-103 A.



Boarding room means a room within a single-family residence, which is designed or intended to be used by paying guests of the occupants of the single-family residence.

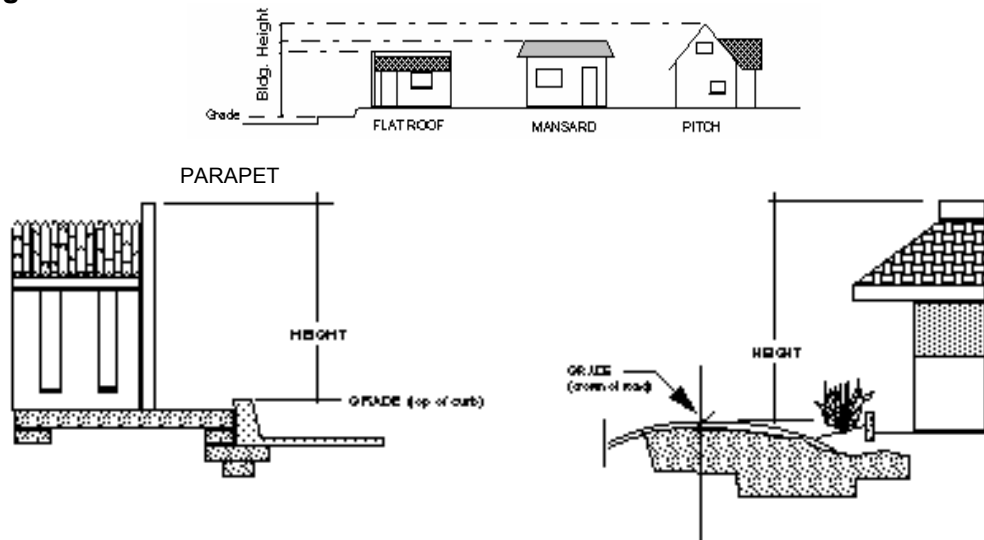
Building means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

Building addition means any extension or increase in floor area or height of a structure.

Building, enclosed means a structure completely enclosed by a roof and walls of approved construction.

Building height means the vertical distance measured from *grade* (as defined herein) to the highest point of the roof, including any parapet.

Figure 7-103 B.



Building official means the person designated by the City of Tempe's Development Services Manager, or designee, who is charged with the administration and enforcement of the building codes, as adopted and amended by the City of Tempe, or the building official's authorized representative.

Building, main (also referred to as the primary building) means a building where the principal use of the lot is conducted. In any residential district, any dwelling shall be the main building of the lot; except where an accessory dwelling exists, only one dwelling, the primary dwelling, shall be deemed the main building.

Business frontage means the main entrance frontage of the building or tenant space. For businesses with the main entrance at the building corner, business frontage shall be the longer of the two facades adjacent to the main entrance. When a business has a façade adjacent to a public street, other than the main entrance, that façade(s) shall also be considered business frontage.

Section 7-104 “C” Definitions.

Call center means any place of business where the primary activity is telephone or computer solicitation, survey or other function that is similar.

Car wash means a car washing facility; it includes both automated and non-automated facilities, self-serve and full-serve (i.e., with and without employees on-site). Windshield repair is an accessory use.

Car wash, automatic means a conveyer or automated type car washing facility that may or may not have any employees on-site.

Childcare centers means any use, regulated by the State of Arizona involving the care of other people’s children during the day and that accommodate more than four (4) children for childcare. Some instruction may be offered in connection with such care. The use shall not be considered a “school” within the meaning of this Code. See also, nursery and day care school.

Childcare, in home means the use of a caregiver’s residence for childcare, regulated by the State of Arizona involving the care of other people’s children during the day. See also, Nursery and day care, in home.

Church means a permanently located building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body to sustain public worship and church-related uses. See a “place of worship”.

Civic use see “public uses”.

Clinic means a building in which one or more physicians work including supplying pharmaceutical and optical needs, conducting medical tests, or other common ancillary uses to a medical office, without overnight patient occupancy; servicing humans (medical, dental) and small animals (veterinary).

Club, private means an institution used for athletic, social or recreational purposes and operated by a private nonprofit organization, membership to which is by written invitation and election according to qualifications in the club's charter or bylaws and the use of which is generally restricted to members and their guests.

Commercial use means, in the MU-Ed zoning district, uses that include, but are not limited to, the sale, exchange, or transfer, of a product or service; accessory entertainment; recreational or amusement businesses; hotels, motels or clubs; commercial parking lots; production or manufacturing and a gross floor area greater than two hundred and fifty (250) square feet. To be considered a *commercial use* in the MU-Ed zoning district, the building or use must attract the general public. *Public University* sports venues and *Public University* operated auditoriums are examples of uses that are not considered a *commercial use*.

Common wall means the abutting walls of two buildings.

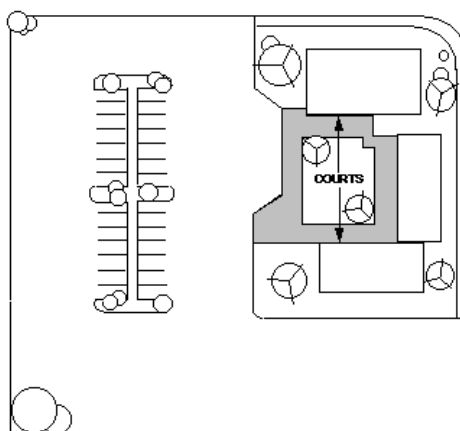
Conceptual landscape plan means the same as a “landscape plan” as defined, except that shrubs, ground cover and vines may be indicated by size, quantity, name and general locations on the site.

Condominium means a building space designated for individual ownership, not including land, together with an interest in any common ownership land or improvements. Real estate is not a condominium unless the undivided interests in the common units are vested in the unit owners. See also “horizontal regime.”

Contiguous means in contact with.

Courtyard means a space, other than a setback yard, that is open and unobstructed to the sky, and located on the same lot with a building or group of buildings, which bound it on two or more sides and face each other. A court or courtyard typically provides amenities such as gardens, planters, seating, art or similar features. The width of a court shall be its least horizontal dimension as measured from the face of buildings or to columns, posts, overhangs or balconies, as applicable.

Figure 7-104 A.



CPTED or Crime Prevention Through Environmental Design means the design and use of the built environment to lead to reduced fear and incidence of crime, and an improvement in the quality of life. In Tempe, CPTED is based upon five internationally recognized principles that are basic to crime prevention philosophy, which are Natural Surveillance, Access Control, Activity Support, Territoriality, and Maintenance. See Appendix for further explanation.

Customer point of service means any business which includes an entrance, lobby and service area for customers, such as a customer service window, booth or counter.

Customer service office means any office that has *customer point of service*.

Section 7-105 “D” Definitions.

Deferred Presentment Company means a business that engages in a transaction pursuant to a written agreement in which the licensee accepts a check and agrees to hold the check for at least five calendar days before presentment for payment or deposit. These services are commonly known as Pay Day Loans.

Develop means to construct or alter a structure or to make a physical change to the land including excavations and fills.

Development means all improvements on a site, including buildings, other structures, signs, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also, "*alteration, exterior*".

Development, new means development of a site that was previously unimproved or that has had previously existing buildings demolished.

Development plan means a plan prepared to scale, showing all the buildings, site improvements (for example, parking, landscapes, walls, signs, lighting, access and circulation and utilities) and uses proposed for a specific property, consistent with Section 6-306. A development plan provides a precise plan of development which is supported by technical construction documents as necessary to carry out the implementation and enforcement of the development plan.

Density means the ratio of dwelling units per acre. Allowable density is based on gross site area (i.e., parcel area, including areas required to be dedicated for public purposes).

Density, allowable means the ratio of dwelling units per gross site area.

Disabilities, person with means a person who:

1. Has a physical or mental impairment which substantially limits one (1) or more of such person's major life activities;
2. Has a record of having such an impairment; or
3. Is regarded as having such an impairment. However, "person with disabilities" shall not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]), nor shall it include any person whose residency in a group home would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

Domestic partner means a person who:

1. Shares your permanent residence;
2. Has resided with you for no less than twelve (12) consecutive months as proven by a lease or common ownership of real property;
3. Is no less than eighteen (18) years of age;
4. Is not a blood relative to who marriage would be prohibited in Arizona;
5. Is not currently married to another person;
6. Does not have any other domestic partner, spouse or spousal equivalent of the same or opposite sex;

7. Has not signed a domestic partner affidavit or declaration designating any other person as their domestic partner within 6 months; and
8. Is financially interdependent with you and has proven such by either common ownership or tenancy of real property and two (2) of the following:
 - a. Common ownership of a motor vehicle;
 - b. Joint bank or credit account; or
 - c. Designation as a beneficiary for life insurance or retirement benefits or under your partner's will or assignment of a durable power of attorney.

Drive-through use means a use involving a business that allows for transactions for goods or services without leaving a motor vehicle.

Drive-through facility means any window, automatic teller machine, kiosk, cashier or other feature of a business, building or site that is associated with a drive-through use.

Duplex means a building with two (2) attached dwelling units on one (1) lot or parcel.

Dwelling means an enclosed space providing complete, independent living facilities for a family including permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 7-106 “E” Definitions.

Employment agency means a person or business association who recruits or offers to recruit employees for employers. Employment agencies are often called temporary agencies or contract work placement companies, specializing in finding temporary workers for a variety of tasks.

Entertainment means a presentation of, or participation in, live singing, dancing, musical instrumentation, dramatic, prosaic or poetic activities or similar activities.

1. Theater or similar use means a building used for movies, symphonic, plays or similar theatrical productions.
2. Amusement means an indoor entertainment or recreational use such as indoor miniature golf, ice rink, rock climbing, bowling or similar recreational or amusement activity.
3. Outdoor, permanent means an outdoor entertainment use such as an amphitheater, outdoor miniature golf, amusement park, or other similar outdoor activity.

Escort means a person who agrees or offers, for consideration, to privately model lingerie or to privately perform a striptease for another person; or who offers for pecuniary compensation, dates, socializes, visits, consorts with or accompanies others to or about social affairs, entertainment or private quarters.

Escort agency or bureau means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

City code reference—See TCC §16A-56, escort definitions and rules.

Section 7-107 “F” Definitions.

Family means:

1. One (1) or more persons related by the 3rd degree of consanguinity, adoption, marriage or as domestic partners as defined in Section 7-105, and not more than two (2) additional persons living together in a dwelling unit; or
2. Not more than three (3) persons who are not related by the 3rd degree of consanguinity, adoption, marriage or as domestic partners, living together in a dwelling unit.

Finished floor means the lowest occupiable space or floor of a building. Finished floor is not used as a base point for determination of building height (see *grade*).

Fitness center means a place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, self-defense, and/or weight control. Fitness centers include, but are not limited to athletic clubs, health clubs, fitness/health studios, and personal training with gym equipment. Such centers may have related activities incidental to the main use like spas.

Floor Area, Gross means the sum of all floor areas devoted to an activity (including mezzanines, outdoor retail and dining areas) and the thickness of exterior walls.

Floor Area, Net means the sum of all floor areas (including mezzanines, outdoor retail and dining areas) devoted to an activity, excluding exterior walkways and the thickness of exterior walls.

Floor Area Ratio means the ratio of gross floor area above grade on a site to the total net site area.

Full Cutoff means zero intensity at or above the horizontal plane (90 degrees above nadir) and limited to a value not exceeding 10% of lamp lumens at 80 degrees above nadir. Often referred to as “fully shielded”.

Section 7-108 “G” Definitions.

Garage, commercial means a building designed or used for servicing, repairing, or storing motor vehicles for compensation.

Garage, private means a building, or portion thereof, in which motor vehicles used by the tenants on the premises are stored or kept. A private garage may also provide public parking.

Garage, public parking means a building, or portion thereof, in which the public may park motor vehicles with or without a fee.

Geometric shape means the smallest area of a square, rectangle, circle or triangle used to calculate signage area of a sign face.

Grade means the top of curb, or top of crown of a street where no curb exists, as established at the midpoint of the front of the lot used for establishing building heights.

Group home for adult care, persons with disabilities and child shelter means a dwelling shared as a primary residence by adult persons or used as a child shelter, and including resident staff who live together as a single housekeeping unit in an environment in which staff persons provide care, education and activities for the residents; but not including medical institutional uses, alcoholism or drug treatment centers, community corrections facilities and adult shelter care facilities. This definition shall not apply to a home for the developmentally disabled as regulated by A.R.S. §36-582 to the extent of state preemption of local zoning regulations. For the purpose of this definition, children are under the age of eighteen (18).

Ground floor windows means windows located on the first floor.

Ground level means the portion of a building located on the first floor at grade.

Guest quarters means an attached or detached building used to house guests of the occupants of the main building, which is not rented or leased independently from the main building.

Section 7-109 “H” Definitions.

Hardscape means brick, concrete, wood, tile, paver, or other decorative hard surfaces used outside in lieu of or in conjunction with landscape materials such as trees, shrubs, turf, ground cover wood chips, or gravel.

Home occupation means a business activity that is carried out on the same site as a dwelling unit, and which is accessory to the household living use on the site.

Hospital means a building where the sick or injured are given in-patient medical or surgical care, including ancillary uses common to medical needs, such as pharmacies and medical labs. (Not a clinic.)

Horizontal regime means the three dimensional area in a condominium plat that is under a single ownership.

Hotel means a building that contains more than five (5) boarding rooms.

Section 7-110 “I” Definitions.

Intensity means dwelling unit density, employment density and/or floor area ratio, whichever is applicable.

Intersection means the intersection of two (2) or more streets, alleys, or combination thereof.

Irrigation plan means a plan prepared to scale showing the layout and details of an irrigation system, including the type and location of all materials used.

Irrigation system means the combination of elements such as automatic controllers, meters, pressure vacuum breakers, pipes, valves, emitters, bubblers, spray heads, tubing and other materials designed for the purpose of transporting water to landscape improvements.

Section 7-111 “J” Definitions.

Junkyard means the use of a lot, or portion thereof, for the outdoor storage, keeping or abandonment of junk, dismantled automobiles or other vehicles, recyclable goods, or machinery, or parts thereof including scrap metals, rags or other scrap materials.

Section 7-112 “K” Definitions.

Kennel means any establishment at which dogs and cats are bred or raised for sale or adoption, boarded or cared for commercially, exclusive of dental, medical or surgical care, or pet grooming facilities which do not keep animals overnight.

City code reference—See TCC §6-21, definition of kennel.

Kindergarten see "nursery school".

Kitchen means an enclosed place equipped with cooking facilities.

Section 7-113 “L” Definitions.

Laboratory means a building, or portion thereof, used or intended to be used for experimentation, observation, testing or analysis.

Landfill means the use of a site for the permanent disposal or storage of rubble, construction debris, waste, miscellaneous by-products and any other materials not naturally found on the site.

Landscape, landscapes mean any combination of living plant material such as trees, shrubs, cacti, vegetative ground cover or turf; and structural features such as walkways, fences, walls, pergolas, arbors, gates, benches, plazas, works of art, water features (e.g., reflective pools, fountains, or the like), and similar features. Landscapes also include irrigation systems and any mulches, rock, topsoil, revegetation or the preservation, protection and replacement of existing landscape material.

Landscape, low water use means non-plant materials, plant materials native to the Sonoran, Chihuahuan and Mojave deserts, and plant materials with water consumption similar to the native plants.

Landscape, water intensive means bodies of water, water features, turf and non-native plants that require substantial water to survive.

Landscape plan means a plan prepared to scale showing elements such as trees, shrubs, ground cover, vines, sculpture, all walls, lighting, other organic and inorganic materials and an automatic irrigation system. The plan shall include a plant list, indicating the size and name, both botanical and "common", of all plant material to be used.

Laundry facility, self-service means a laundromat or similar business where customers wash their clothes.

Laundry facility, full-service means a business where clothes cleaning, tailoring and similar services are performed by employees, and may include delivery service.

Laundry facility, industrial means a full-service laundry facility that is greater than five thousand (5,000) square feet in floor area.

Lighting, photometrics plan means a plan prepared to scale showing the layout and details of lighting and photometrics, including the type and location of all materials used; the plan is overlaid on a screened landscape plan to avoid conflicts between lights and other features.

Live-Work means a residential occupancy, by a single housekeeping unit, of one (1) or more rooms or floors in a building, which includes:

1. Cooking space and sanitary facilities in conformance with building code standards;
2. Adequate working space accessible from the living area, reserved for, and regularly used by, one or more persons residing therein; and
3. Working space uses that conform to the standards in Section 3-414.

Lodge see "*club, private*".

Lot means a parcel of land, or two (2) contiguous parcels, to be used as a unit under provisions of this Code, as shown in the records of the Maricopa County Recorder's office, and having its principal frontage on a city approved access way. In any district where a half-street has been dedicated not less than twenty-five (25) feet in width, lots facing on such half street shall be deemed to have frontage on a street. Where two (2) lots are to be built upon as one site, a lot-tie affidavit shall be recorded through the Development Services Department. More than two (2) lots shall require a subdivision.

Lot, corner means a lot abutting on two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five degrees (135°). A corner lot shall be considered to be in that block in which the lot fronts.

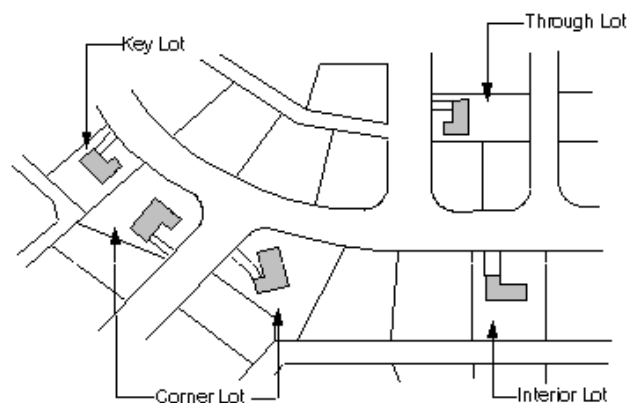
Lot coverage (except as noted in Table 4-202C) means the area of a lot covered by a building or buildings expressed as a percentage of the net lot area, and measured from the exterior faces of foundation wall, slab and/or footings, and not including the sum of the several floors of a multistory building or canopies, arcades, porticos, awnings or similar unenclosed structures.

Lot, interior means a lot having one (1) side abutting on a street.

Lot, key means an interior lot, one (1) side of which is contiguous, or separated only by an alley, to the rear line of a corner lot.

Lot, through means a lot abutting two (2) parallel or approximately parallel streets.

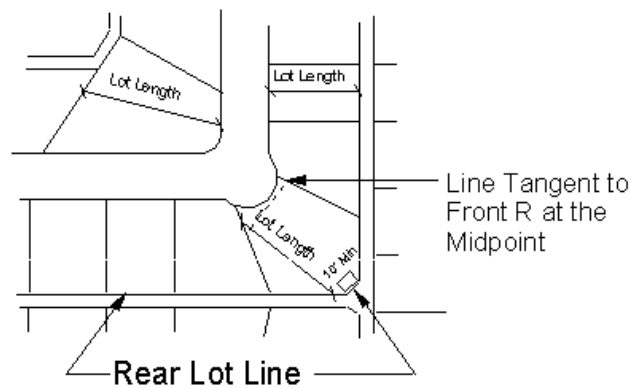
Figure 7-113 A.



Lot dimensions means the following:

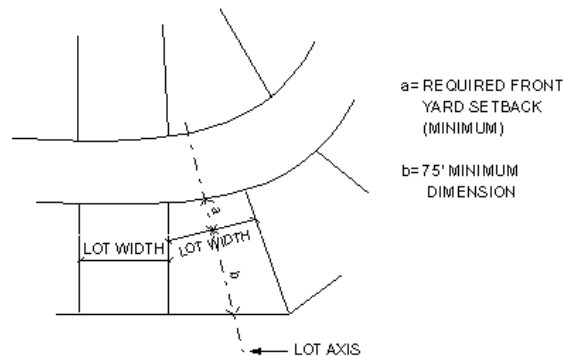
1. *Lot length.* The length of a lot shall be:
 - a. If the front and rear lot lines are parallel, the perpendicular distance between front and rear lot lines;
 - b. If the front and rear lot lines are not parallel, the distance between the midpoint of the front lot line and the midpoint of the rear lot line; and
 - c. If the side lot lines are not parallel, the shortest distance between the front lot line and a line parallel to the front lot line, not less than ten (10) feet long lying wholly within the lot.

Figure 7-113 B.



2. *Lot width.* The width of a lot shall be:
 - a. If the side lot lines are parallel, the shortest distance between these side lines; and
 - b. If the side lot lines are not parallel, the width of the lot shall be the length of a line measured perpendicular to the axis of the lot at a point which is equal to the required front yard setback for the district in which located. Such lot shall have a minimum length of seventy-five (75) feet beyond the point of required lot width. The axis of a lot shall be a line joining the midpoints of the front and rear lot lines.

Figure 7-113 C.

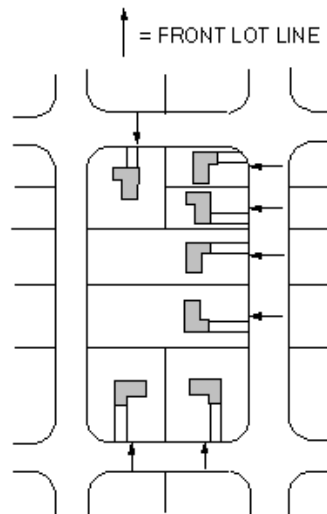


Lot line (property line) means the following:

1. *Front.* The front lot line of a lot shall be determined as follows:
 - a. *Corner lot.* The front lot line of a corner lot shall be the shorter of the two (2) lines adjacent to the streets. Where lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing frontage of the other lots on the block. If such front is not evident, then either may be considered the front of the lot but not both;

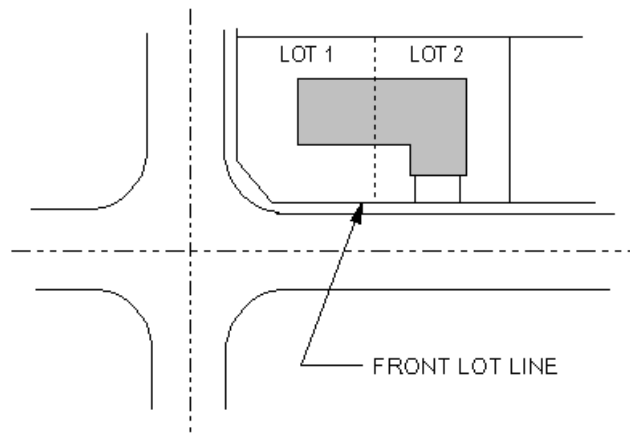
- b. *Interior lot.* The front lot line of an interior lot shall be the line coterminous with the street frontage; and
- c. *Through lot (reverse frontage).* The front lot line of a through lot shall be that line which is the front by reason of the prevailing frontage of the other buildings on the block. Where such front lot line is neither evident nor established by a recorded plat, the Zoning Administrator shall determine the front lot line. Such a lot over two hundred (200) feet deep may be considered, for the purposes of this definition, as two (2) lots each with its own frontage, but this definition does not constitute a lot split.

Figure 7-113 D.



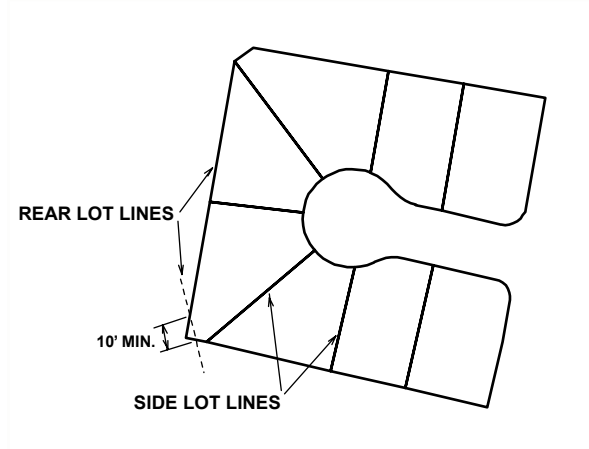
- d. *Two or more lots.* Where two (2) or more lots are used as a building site and where the main building crosses lot lines, then the entire area is considered as one (1) lot, except that the front of the parcel is determined to be the front of the individual lots as originally platted or laid out. Exception: the lots are considered as separate lots when the applicable building code standards are met (i.e., as in the case of uses with common walls).

Figure 7-113 E.



2. *Rear.* The rear lot line of a lot is that lot line opposite to the front lot line. Where the side lot lines meet in a point (if a radius, an extension of side lot lines to an intersecting point), the rear lot line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.
3. *Side.* The side lot lines are those lot lines connecting the front and rear lot lines.

Figure 7-113 F.



Section 7-114 “M” Definitions.

Maintenance means the replacing of a part, or parts, or the general periodic upkeep, of buildings, structures, landscaping and lighting, made unusable or deteriorated by ordinary wear or tear, vandalism, or by the weather that does change form, materials or color.

Manufactured building means a transportable building that is manufactured specifically to be transported and placed on a building site. Includes manufactured homes, mobile homes, manufactured office and storage buildings, and similar buildings.

Manufactured home means a transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the United States Department of Housing and Urban Development.

Massage therapist means a person who practices or administers within the city, any massage or body work techniques as defined in the Tempe City Code Massage Ordinance for a fee or income of any kind.

Mechanical equipment means any equipment ancillary to the function of a structure including, but not limited to, heating or cooling equipment; pool pumps and filters; electrical equipment, transformers, satellite receiving earth stations, including dishes and antennas; vaults and cabinets for telecommunication towers; solar heating/cooling devices; exhaust stacks and roof vents; and similar equipment.

Mezzanine means an intermediate building story that projects in the form of a balcony.

Mini-warehouse means a commercial use in which enclosed storage space divided into separate compartments no larger than five hundred (500) square feet in area is provided for use by individuals to store personal items or by businesses to store material for operation of a business establishment at another location.

Mixed-Use means the combination on a site of residential uses with commercial uses.

Mixed use means, in the MU-Ed zoning district, uses that are a combination of either a *Public University* use or *Public University* related use and a commercial and/or residential use within the same building or project.

Mobile home means a dwelling unit built on a chassis in excess of eight (8) feet in width and forty (40) feet in length and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or a permanent foundation for permanent living quarters.

Mobile home park means a development providing rental or individually-owned spaces for occupancy by mobile homes, together with certain accessory buildings and uses provided for the benefit and enjoyment of the residents of the park.

Mobile home subdivision means a single-family subdivision that is to be used specifically as single-family residential uses, for mobile homes. Expressly prohibited for residential purposes are buses, recreational vehicles, motor homes, campers, trailers and other similar vehicles.

Model homes means single-family residential homes built and used by developers for the initial purpose of showing prospective buyers similar type homes for sale. Model homes are not used for residential purposes until the home is sold for this use.

Motel see "hotel".

Motor vehicle see "vehicle, motor".

Motorist amenity means any use that provides services to people in their vehicles or services the vehicle itself. Examples include *drive-throughs*, drive-ins, auto service station, or car wash.

Multi-family dwelling means two (2) or more dwelling units in one structure.

Section 7-115 "N" Definitions.

Non-conforming development means a development that does not fully comply with a Code standard because of setbacks, building height, lot coverage, signs, landscape or with some other standard of this Code.

Non-conforming use means a use that is not permitted outright and has not received conditional approval (e.g., use permit) in the district, but was lawfully established prior to it becoming nonconforming.

Nude model studio means a place where the primary use involves a person who regularly appears in a "state of nudity", displays "specified sexual activities" or the exposure of "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who transfer any form of consideration.

Nudity/state of nudity means without opaque non-flesh colored fabric fully covering the human anus, pubic region, male genitals, female genitals, and female breasts below the top of the areola.

Nursery and day care, in home means the use of a residence for the purpose of day care of children.

Nursery and day care school means any use, regulated by the State of Arizona, for day care of children and accommodating more than four (4) children. Some instructions may be offered in connection with such care. The use shall not be considered a "school" within the meaning of this Code. See also, *childcare centers*.

Section 7-116 "O" Definitions.

Office means a place where a particular kind of business is transacted or a service is supplied, excluding retailing, according to the following:

1. A place in which functions, such as consulting, record keeping or clerical work are performed; or
2. A place in which a professional person (e.g., a physician or lawyer) conducts professional services.

On-site lighting means any illumination source or illumination device, except lighting used for signs that is located on a lot and is visible from outside the building(s) on the lot.

Open space, usable means an open space, which is of appropriate size, shape, location, and topographic siting so that it provides landscaping, pedestrian access, or opportunity for outdoor recreational activity. Parking areas and driveways are not usable open spaces, except as permitted for convertible use with parking and/or open space (e.g., plaza).

Outdoor dining means a space dedicated to the adjacent restaurant for use by their patrons.

Overlay district means a special zoning district that modifies standards in an underlying zoning district with which the overlay zoning district is combined or creates alternative standards.

Outdoor storage means the use of land for secured containment of personal property, which may or may not be accessed by the public. Examples include landscape and garden supplies, construction materials or vehicles or boats.

Section 7-117 “P” Definitions.

Parking means parking areas for licensed motor vehicles or bicycles.

Parking affidavit means a document provided by and filed with the Development Services Department that transfers the rights to the unqualified availability of a specific number of parking spaces from one property (which can no longer take credit for them) to another for as long as the spaces are required by ordinance.

Parking lot means a parcel of land upon which vehicle parking is provided.

Parking lot, pay lot means a parking lot where the general public may park a motor vehicle by paying a charge or fee for the usage. Includes public and private parking lots.

Parking, shared means parking which serves multiple users to meet their required parking.

Parking, structured means a covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure, where there is gross building area below the parking, but nothing above it, is structured parking. The structure can be the primary structure for a commercial parking facility or be accessory to multi-dwelling residential, commercial, employment, industrial, institutional, or other structures. A structure that is accessory to a single-dwelling residential structure (including houses, attached houses, duplexes, mobile homes, or houseboats) is a garage and is not included as structured parking.

Parking, surface means a parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above it. Area occupied by small, permanent buildings, such as booths used by parking attendants, is not parking area. Temporary vending carts are not gross building area.

Pathway means a designated path that is typically a separate route of travel used exclusively for pedestrians and non-motorized vehicles.

Paved surface, asphalt means a surface treatment that consists of asphalt and mineral aggregate mixed together, laid down in a mat and compacted.

Paved surface, concrete means a surface treatment that consists of mineral aggregate and cement binder mixed together with water, which hardens into a stone-like material.

Person means any owner of personal property improvements or real property or person in possession or control of any personal property improvements or real property and includes any individual, firm, association, organization, partnership, business trust, corporation or company.

Photometric plan means an engineered point by point illumination plan that shows expected security lighting levels in foot-candles of light every ten (10) feet on center. A photometric plan is required to provide lighting levels for the entire site.

Place of worship means an institution, such as a church, temple, mosque, synagogue or other structure, together with its accessory structures, used primarily for religious worship. See “church”.

Planned area development overlay district (PAD overlay) means an application that modifies the standards of the base zone district(s) or creates alternate standards.

Plasma donation center means a medical clinic which accepts blood product donations, particularly plasma, and provides monetary payment for donations.

Primary building entrance means the entry to a building intended for the majority of public access

Primary use (Principle use) parking means property being used for parking automobiles not related to the on site use including remote (non-contiguous to a specific use) parking for students, employees or the general public. Parking may be provided on lots adjacent or across the street from a related use.

Principal use parking means a parking lot or parking structure that is on a site not with any other principal land use.

Property line means the same as “lot line”.

Pub (Public House) means a restaurant with a malt beverage and wine license that identifies itself as a pub; may serve spirits or be limited to beer and wine. See also, “bar”.

Public art means objects such as sculpture, water feature(s) or other multidimensional design that is viewed by the general public. The object(s) are to be located in spaces visible or accessible to the public in general so as to be enjoyed by the community at large, and are not to be a business logo or address marquee. Public art can also be used to enhance site safety and security. See also, criteria for public art approval in Appendix D, Art in Private Development.

Public University means a public funded educational institution maintained by the Arizona Board of Regents.

Public University use means, in the MU-Ed zoning district, the use of a project or facility for education, academic research, *Public University* community service or student life. This type of use is not open to the general public and use, participation or access is limited to persons enrolled in classes, working for a *Public University* or participating in a *Public University* program, project, or event. Without limiting the generality of the preceding sentence, residential halls operated by or for a *Public University* shall be a *Public University* use.

Public University related use means, in the MU-Ed zoning district, a use that supports the *Public University* uses and is not intended to attract the general public.

Public uses means a public project or city facility, such as a community center, park, municipal facility and other similar civic facilities.

Section 7-118 “Q” Definitions.
[reserved]

Section 7-119 “R” Definitions.

Recreational vehicle (RV) means any motor vehicle that is designed or customarily used for sleeping or camping.

Resale items means a business selling previously used and factory re-conditioned products to the consumer, including but not limited to consignment, donation distribution, rent-to-own, pawn, and antique stores.

Residential use means, in the MU-Ed zoning district, use open to the general public for rent or ownership. Residential halls operated by or for a *Public University* shall not be considered a residential use.

Restaurant means an establishment which derives at least forty percent (40%) of its gross revenue from the sale of prepared food.

Restaurant, drive-in means a building or structure where prepared food and drink are sold for consumption on the premises by order from and service to vehicular passengers outside the structure.

Restaurant, drive through means a building or structure where prepared food and drink are sold for consumption within the interior of the building, within exterior dining areas, or off the premises by order from vehicular passengers outside the structure.

Retail means the business of selling personal property directly to the ultimate consumer for any purpose other than for resale.

Revitalize means giving new life in an area with existing development, not on vacant land, for the purpose of restoring economic vitality to the center.

Roof means a continuous solid sheathing cover on a structure which provides protection from rain, wind, sun or other natural elements.

Section 7-120 “S” Definitions.

School means any building, portion of building, or group of buildings which is designed, constructed, or used for education or instruction in any branch of knowledge. See below for varying types of schools. See also "tutoring center."

1. “Charter school” means a school operating under sponsorship of a public school district governing board, the State Board of Education or the State Board for Charter Schools and has been created pursuant to ARS 15-181.

2. "Instructional school" means a public or private school providing domestic, recreational, and other types of instruction such as dance, gymnastics, cooking, music, martial arts (without fitness center equipment), and fine arts.
3. "Private school" means any building, portion of building, or group of buildings used for elementary, secondary or higher education that does not secure the major part of its funding from a governmental agency.
4. "Public school" means any building, portion of building, or group of buildings used for elementary, secondary or higher education that secures the major part of its funding from a governmental agency.
5. "Vocational school" means an institution which teaches trades, business courses, hairdressing and similar skills on a post-secondary level.

Screening device means any landscape improvement or structure intended to fully or partially conceal an activity or mechanical element from view, adjacent uses, properties or streets.

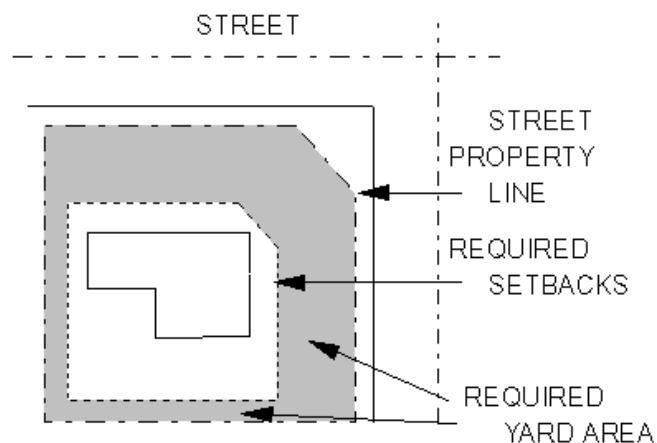
Second story, single-family means any floor level that is above the ground or main floor of the dwelling, except mezzanines per building code.

Service means useful labor that does not produce a tangible commodity.

Service station means a place of business having pumps or storage tanks from which liquid fuel or lubricants are dispensed at retail directly into the motor vehicle. Sales and installation of auto accessories, washing, polishing, inspections, and cleaning may be carried on incidental to the sale of such fuel and lubricants. When a convenience store or restaurant is co-located with a service station, the Development Services Manager, or designee, may interpret the store or restaurant as another primary use and not incidental to the service station.

Setback means the least horizontal distance between a building, structure, or wall, and a property line.

Figure 7-120 A.



Sexual encounter center means a non-medical business, which offers for any form of consideration:

1. Activities between persons when one or more of the persons is in a "state of nudity"; or
2. The matching and/or exchanging of persons for "specified sexual activities".

Shade structure means a constructed form designed to protect an area from direct sunlight.

Sign means any device providing identification, advertising or directional information for a specific business, group of businesses, service, product, brand, person, organization, place or building. Including in this definition of signs are: graphic devices such as logos, trademarks, and attention attracting objects such as wind-driven spinners and portable sign devices, logo sculpture and, banners, balloons, streamers, strobe lights, flags, inflatable structures, projected picture signs, holographic projection signs, laser projected designs/images/copy and other attention attracting media and devices. Signs on buses, taxis, etc., are not exempt.

1. *Cemetery headstone, marker* means any tablet, grave markers, headstones, statuary or remembrances of persons or events that are noncommercial in nature;
2. *Complexes, centers* means any number of businesses greater than one that share the same site using common points of ingress and egress, or common parking facilities;
3. *Flags* means the state flag, United States flag, corporate flags for registered corporations, flags of foreign nations, flags displaying a business name, trademark, or logo, and decorative flags;
4. *Holiday decorations* means any decorative lighting, bunting, wreaths, laurels, trees, caricatures, and other objects that pertain to a specific traditionally accepted civic, patriotic or religious holiday. This definition does not include balloons;
5. *Roadside memorial* means the same as cemetery headstone/marker, except that such signs are located along street frontages and/or in city right-of-way;
6. *Sign, address* means a sign consisting of numerals and/or letters identifying a property address;
7. *Sign, advertising* means a sign that includes advertising copy or graphics relating to any service, product, person, business, place, activity or organization in addition to simple identification;
 - a. *Advertising copy* means copy includes, but is not limited to phone numbers, prices, announcements of sales, business hours, meeting times, individual or specific products or merchandise, and directional information. A business name, trademark, and street address, are not considered advertising copy;

8. *Sign, awning* means a sign, that is printed, painted, or affixed to an awning;
9. *Sign, banner* means a sign, that is painted or displayed upon cloth or other flexible material;
 - a. *Civic banner program* means a program administered by the community special event section under direction of the City Council that is intended to support the civic and cultural programs of the city through the implementation and use of banners displayed on city property. From time to time the City Council may choose to modify the program in order to meet these goals;
10. *Sign, billboard* means the same as off-premise sign;
11. *Sign, boutique directional* means a sign of a temporary nature used to direct traffic to an in-home boutique;
12. *Sign, brand identification* means a sign that advertises a specific product or service that is sold within a business;
13. *Sign, building mounted* means a sign that is directly attached to the face of a building;
14. *Sign, ceased non-conforming* means a sign which has not been utilized or has not identified a business on the site for a period of twelve (12) months or more, and does not conform to the standards of this code;
15. *Sign, marquee* is a sign, that utilizes changeable letters, intermittent or scrolling illumination for copy or numerals;
16. *Sign, construction* means a sign that identifies the parties included in a construction project that has been granted a building permit;
17. *Sign, directional* means a sign, that includes copy offering pertinent directional information for the purpose of assisting in the flow of vehicular or pedestrian traffic;
18. *Sign, directory* means a sign that lists the name, use or location within a building, complex, or multi-tenant development;
19. *Sign, flag-mounted* means a sign that projects from the wall of a building perpendicular to a wall surface;
20. *Sign, freestanding* means a sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of building;
21. *Sign, future development* means a sign, that announces the proposed development of property prior to the issuance of a building permit;
22. *Sign, going out of business* means a sign indicating that the business displaying the sign will cease and be discontinued at a specific location;

23. *Sign, grand opening* means a sign that is utilized to indicate that a new business is now open to the public;
24. *Sign, identification* means a sign that includes as copy only the name of business, place, organization, building or person it identifies;
25. *Sign, illuminated* means a sign whose surface is lit, internally or externally, and that identifies, advertises or attracts attention to a use or activity on the premise;
26. *Sign, intermittent or flashing* means a sign which by means of electrical devices gives the effect of intermittent movement, or changes to give two or more visual effects, or alternates with a lit and unlit effect;
27. *Sign, lead-in* means a temporary portable sign used to direct pedestrian or vehicular traffic to a home (or residential unit) that is for sale or rent;
28. *Sign, menu board* means a permanently mounted sign advertising the bill of fare for a restaurant, drive-in or drive-through restaurant;
29. *Sign, multi-tenant* means a sign that includes as copy, the names of two (2) or more businesses, places, organizations, buildings or persons it identifies;
30. *Sign, off-premise/off-site* means a sign that directs attention to a business, product, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term off-premise/off-site sign shall include an outdoor advertising sign (billboard) on which space is leased, rented, or donated by the owner thereof to others for the purpose of conveying a commercial or non-commercial message;
31. *Sign, on-premise/on-site* means a sign that directs attention to a business, product, commodity, service, entertainment or attraction sold, offered or existing upon the same lot where such sign is displayed;
32. *Sign, permitted special event* means banners displayed as part of a permitted special event as administered by the special events committee.
33. *Sign, political* means a temporary sign used to advertise the candidacy of an individual, ballot proposition, or to encourage citizens to vote;
34. *Sign, portable* (sandwich sign) means any sign that is not permanently affixed to any structure on a site or permanently ground mounted;
35. *Sign, projecting* means a sign mounted to the façade of a building and extending from the building façade;
36. *Sign, pump-topper* means a sign affixed to the top or sides of an operable fuel-dispensing pump.
37. *Sign, roof-mounted* means a sign that projects above the highest point of the roof line, parapet or fascia of a building;

- 38. *Sign, sale, lease or rent* means a temporary sign used to advertise the availability of real property;
- 39. *Sign, service station* means a permanently mounted sign displaying business identification and the retail cost of a gallon of *motor vehicle* fuel, or cost of electrical recharging on the premises of a business that provides motor vehicle fuels or electrical power;
- 40. *Sign, significant event* means signs displayed for any type of event, including an anniversary, special sale, change in ownership or management, or similar event;
- 40. *Sign, soffit* means a sign that is suspended from the underside of a lintel, arch or other overhead spanning member and is hung perpendicular to a vertical wall surface;
- 41. *Sign, subdivision/apartment community advertising* means a temporary sign used to advertise the initial sale of lots/units in a recorded subdivision or the initial lease for units in an apartment community;
- 42. *Sign, subdivision identification* means a permanent sign used to identify the name of a particular recorded subdivision;
- 43. *Sign, unauthorized* means a sign that is illegally displayed in the City of Tempe;
- 44. *Sign, wall mounted* means a sign that is permanently affixed to any vertical portion of a building for which the sign is intended to identify or advertise; and
- 45. *Sign, window* means a sign or signage placed in a window so as to attract the attention of persons outside of the building where the sign or signage is placed.

Sign package criteria means a detailed description, including, but not limited to, type, size, color, and location of all signage.

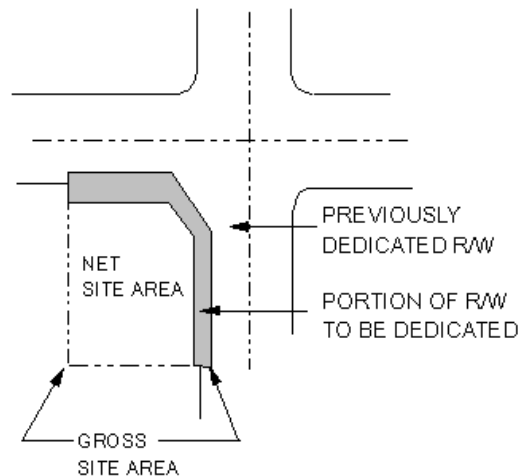
Single-family dwelling means a dwelling for one family on an individual lot.

Single-family dwelling, attached means two or more single-family dwellings with common walls; except does not include single-family dwellings and accessory dwellings sharing a common wall(s).

Site area, gross means the total ground area purchased by the present owner, including any proposed portions to be dedicated for public use such as, streets, alleys, easements or other. The allowable density is based on gross site area.

Site area, net means the remaining ground area of the gross site area after deleting all portions for proposed perimeter rights-of-way and alleys.

Figure 7-120 B.



Site Plan means a plan prepared to scale, showing all buildings, site improvements (for example, parking, landscapes, walls, signs, lighting, access and circulation and utilities) and uses proposed for a specific property. A site plan provides a conceptual plan of development prepared to support zoning modification requests and/or requests for use permits. The plan is designed to demonstrate compliance with Zoning and Development Code provisions while expressing the property owner's intent of land use and functional compatibility with contextual conditions.

Specified anatomical areas means the human anus, pubic region, male genitals, female genitals, or female breast below the top of the areola that are less than completely and opaquely covered by non-flesh colored fabric; or human genitals in a state of sexual arousal, even if completely and opaquely covered.

Specified sexual activities means actual or simulated sexual intercourse, masturbation, oral copulation, sodomy, flagellation, bestiality, fondling or other erotic touching of human genitals, pubic region, buttocks, anus, the female breast or any combination thereof. As well as, human genitals in a state of sexual arousal or excretory functions as part of or in connection with any of the activities set forth herein.

Station area means an area lying within a prescribed distance of a light rail transit station.

Street means a right-of-way and the improvements contained therein, consistent with the Comprehensive Transportation Plan.

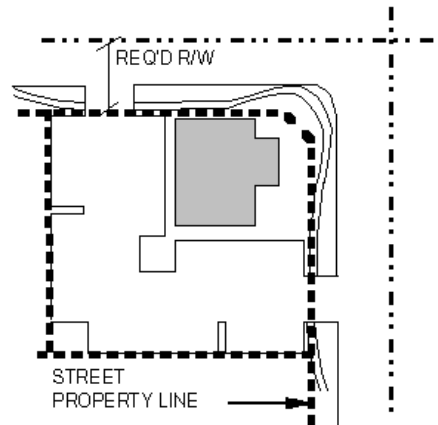
Street frontage means the portion of a building or property facing a public street.

Street, private means a local street that is privately owned and maintained.

Street, public means a street built to city standards and dedicated for public use. For specific street types, refer to the Comprehensive Transportation Plan.

Street property line means the boundary which separates the required or actual street right-of-way, whichever is greater, whether dedicated or not, from abutting property according to the City of Tempe Street Standards.

Figure 7-120 C.



Structure means any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

Subdivision means the land divided into two (2) or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. *Subdivision* also includes any condominium, community apartment, townhouse or similar project containing two (2) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

City code reference—See TCC §30, Subdivisions.

Section 7-121 “T” Definitions.

Telecommunications Hotel means a windowless controlled environment buildings which allow for businesses to lease computer server space for connection to local exchange carriers, interexchange carriers, Internet service providers, competitive access providers and telephone services. In addition to voice and data connectivity, the amenities include controlled temperature and humidity, 24-hour security, fire detection/suppression systems and generator power backup. These facilities have no pedestrian activity associated with the use.

Tobacco retailer means any person or business who primarily sells or offers for sale, tobacco, tobacco products, or tobacco paraphernalia, or who distributes samples of tobacco products or paraphernalia. These businesses include but are not limited to, smoke shops, tobacco shops, cigars and pipe retailer, cigarette retailer, and hookah lounges.

TOD means a Transportation Overlay District, which creates an overlay to existing zoning to encourage development supportive of light rail, bus, bicycle and pedestrian uses.

(TOD) Corridor means the portion of the Overlay District not located within a *Station Area*.

(TOD) Station Area means the portion of the Overlay District located Only areas within 400 linear feet of a light rail transit station are referred to as *Station Areas*, measured from the center point of the platform, extending 400 feet in a linear direction along the center of any public right of way, including only properties adjacent to the public right-of-way, with required uses, development and design standards that encourage intensified development around the light rail stations.

Transit shelter means a structure provided at a bus or train stop to provide shelter from weather and/or sun to transit patrons waiting at the stop.

Tourist court see "hotel".

Townhouse means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in a subdivided lot.

Trailer means any platform or frame with wheels that is designed or customarily used to carry personal property and for being drawn or towed by a motor vehicle.

Trailer park means any lot, tract, or parcel of land used or offered for use in whole or in part for the rental of trailer sites for the parking of three (3) or more recreational vehicles.

Tutoring center means a facility that provides assistance and instruction to students enrolled in schools. The facilities themselves are not schools where attendance results in the confirmation of a degree.

Section 7-122 “U” Definitions.

Use permit means a permit granted to a property owner or lessee to conduct a use not otherwise permitted; or the use of alternate development standards following a compatibility review.

Section 7-123 “V” Definitions.

Variance means permission granted by the city to deviate from a regulation of the city's development standards.

Vehicles, motor means vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes, but not limited to motorcycles, passenger vehicles, trucks and recreational vehicles with motive power.

Vehicle repair means an automotive retail sales and service use in which general motor repair work is done as well as the replacement of new or reconditioned parts in motorized vehicles of ten thousand (10,000) pounds or less gross vehicle weight; but not including any operation included in the definition of "auto body repair."

Video arcade see “amusement game arcade”.

Section 7-124 “W” Definitions.

Warehouse means the storage of goods of any type without retailing operations on a parcel or within a structure.

1. *Commercial.* Any warehouse that is ancillary to a use on-site for storage of related materials.

Wholesaling means the selling of goods or merchandise to retailers or jobbers for resale to the ultimate consumer.

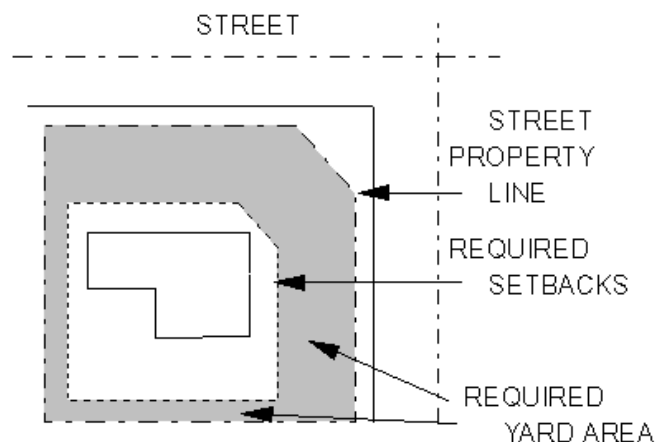
Wireless Telecommunication Facilities (WTF) means an un-staffed facility for the transmission and reception of radio or microwave signals for commercial communications. WTFs are composed of two or more of the following components: (1) antenna; (2) support structure; (3) equipment enclosures; and (4) security barrier.

Section 7-125 “X” Definitions. [reserved]

Section 7-126 “Y” Definitions.

Yard means a required space on a lot other than a court, which is open and unobstructed to the sky, and which is measured from a property line inward to the required setback specified herein. Such required yards shall be measured across the full width or across the full depth of a lot as applicable.

Figure 7-126 A.



Section 7-127 “Z” Definitions.

Zero-lot line means a use with at least one side yard setback equal to zero (0).

APPENDIX

- A. Design Guidelines
 - I. Purpose and Applicability
 - II. Building Design Guidelines
 - III. Bicycle Parking Design Guidelines
 - IV. Landscape Design Guidelines
 - V. Access and Circulation Design Guidelines
 - VI. Security Gates Design Guidelines
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- B. 2' Plant List
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- D. Art in Private Development
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- G. Consanguinity Chart
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- I. Zoning Administrator Opinions
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APPENDIX A. DESIGN GUIDELINES

A-I. Purpose and Applicability.

- A. Purpose.** The design guidelines are discretionary criteria which are used in the City's review of project proposals. They are intended to encourage high quality building and site design that complements the architecture, landscapes, history, and culture of Tempe and ensures the functionality of the built environment.
- B. Applicability.** The design guidelines are to be applied by the City during project reviews. Applicants are responsible for addressing the guidelines in their project proposals, and the City, through its applicable decision making bodies (Part 6 of this Code) may require modifications to designs to be consistent with the design guidelines. Where an existing building or site that is being added onto or remodeled does not meet a design guideline, the addition or remodel should bring the subject building or site into closer conformance with the guideline, to the extent practicable given the nature and extent of the alteration.

A-II. Building Design Guidelines.

- A. Contextual Design Guideline.** Building elevations and materials should have design characteristics that are contextually appropriate. Contextual relationships are determined through design review and consider: massing, rhythm, scale, height, roof form, fenestration (windows and doors), articulation/relief, materials, detailing, lighting, signs, and other features of existing on the site, if any, and adjacent buildings. Where contrasting design elements are provided, the applicant must demonstrate how the alternate design is equal or superior to the existing and/or adjacent building design in terms of compatibility.
 - 1. **New Design Character.** A building design that varies from the contextual design guideline in establishing a new character, may be approved only after demonstrating that the proposed design is consistent with the development plan approval criteria in Section 6-307 and it provides exceptional or unique benefits to the neighborhood or community, which may include but are not limited to the following values:
 - a. Energy conservation through a certified "green building" or "sustainable development" project;
 - b. Historic preservation; and
 - c. Affordable housing.

A-VII. Pedestrian Oriented Design Guidelines.

The following items are considered desirable to meet the intent of pedestrian oriented design, but are not required or regulated. Voluntary inclusion of these elements within a development plan will be used in assessment of meeting the intent of this Code, per Section 5-603(B), Conformance, Option B.

A. Loading, Delivery and Service Entrances.

1. Internal loading areas are encouraged where possible, within parking structures or podium buildings.
2. Physical separation of loading/delivery/service uses from other uses is preferred.
3. Design solution should minimize visual impacts of uses, and provide an attractive aesthetic appearance. Loading areas should not detract from the aesthetic quality of the surroundings, even in parking areas or at the rear of buildings. This includes design of the bumper guards, doors, wall protectors, etc.

B. Signs. Consideration should be given to sign placement, hours of illumination or light intensity of illuminated signs proposed within new developments when adjacent or across the street from existing residential developments with windows facing the new development. High contrast and tactile signage are encouraged to support persons with different abilities. All other sign standards within Part 4 are applicable.

C. Cool Materials. To mitigate heat island impacts, new and existing developments are encouraged to use roofing and building materials that provide high reflectivity and/or high emissivity as appropriate to use and occupancy. Use permeable paving surfaces where appropriate, and high reflectivity and/or emissivity paving materials. Reflective surface paving should not be used in large unshaded areas which create significant eye strain or contrast to surroundings, and might impair visibility of pedestrians or drivers.

D. Accessibility. All standards of the Americans with Disabilities Act, as well as those within the base code apply. Additional consideration should be given to the provision of amenities that serve persons with different abilities, including extra sidewalk widths, physical cues and limited audio distractions for the visually impaired and minimized texture and changes in surface elevation for persons using wheelchairs. All other accessibility standards within Part 4 are applicable.

E. Retention. Underground retention and on-site rainwater storage for irrigation purposes is permitted, subject to Engineering Division review and approval. Permeable surfaces can be used to decrease area used in calculation for retention. Shared retention is encouraged where opportunities for dedicated public open space can be provided.

APPENDIX J. DISPOSITION TABLE

Ordinance Number	Adoption Date	Subject or Description	Location in Code
2005.01	Mar. 3, 2005	Zoning map amendment from I-2 to MU-2 (PAD)	Sec. 2-107
2005.04	Apr. 7, 2005	Zoning map amendment from R-4 to MU-4 (PAD)	Sec. 2-107
2005.06	Apr. 7, 2005	Zoning map amendment from GID to MU-3 (PAD)	Sec. 2-107
2005.17	May 19, 2005	Zoning map amendment from R-3 to R1-PAD	Sec. 2-107
2005.08	June 2, 2005	Zoning map amendment from GID to CC (PAD)	Sec. 2-107
2005.19	June 2, 2005	Code text amendment and a zoning map amendment for the Borden Homes historic overlay district	Part 5, Chapter 5; Sec. 2-107
2005.20	June 2, 2005	Zoning map amendment for a historic overlay	Sec. 2-107
2005.21	June 2, 2005	Zoning map amendment for a historic overlay	Sec. 2-107
2005.22	July 7, 2005	Zoning map amendment for a historic overlay	Sec. 2-107
2005.36	July 21, 2005	Zoning map amendment from R-3 to R1-PAD	Sec. 2-107
2005.42	Aug. 18, 2005	Code text amendments for clarifying and technical changes within Part 1	Sec. 1-207 Sec. 1-307
2005.46	Aug. 18, 2005	Code text amendments for clarifying and technical changes within Part 2	Sec. 2-102 Sec. 2-103
2005.47	Aug. 18, 2005	Code text amendments for clarifying and technical changes within Part 3	Sec. 3-201 Sec. 3-202 Sec. 3-302 Sec. 3-401 Sec. 3-412 Sec. 3-414 Sec. 3-416

Ordinance Number	Adoption Date	Subject or Description	Location in Code
2005.48	Aug. 18, 2005	Code text amendments for clarifying and technical changes within Part 4	Sec. 4-102 Sec. 4-201 Sec. 4-205 Sec. 4-406 Sec. 4-501 Sec. 4-503 Sec. 4-601 Sec. 4-602 Sec. 4-604 Sec. 4-702 Sec. 4-704 Sec. 4-706 Sec. 4-803 Sec. 4-902 Sec. 4-903
2005.49	Aug. 18, 2005	Code text amendments for clarifying and technical changes within Part 6	Sec. 6-302 Sec. 6-803 Sec. 6-903
2005.50	Aug. 18, 2005	Code text amendments for clarifying and technical changes within Part 7	Sec. 7-103 Sec. 7-113 Sec. 7-119 Sec. 7-120 Sec. 7-124
2005.07	Oct. 20, 2005	Zoning map amendment from various districts to MU-Ed	Sec. 2-107
2005.24	Nov. 17, 2005	Code text amendment and a zoning map amendments for the Transportation Overlay District	Part 5, Chapter 6; Sec. 2-107
2005.41	Sep. 15, 2005	Zoning map amendment from GID to CSS	Sec. 2-107
2005.51	Oct. 20, 2005	Zoning map amendment from GID to RCC	Sec. 2-107
2005.54	Sep. 29, 2005	Code text amendment for Construction Sign and Future Development Sign	Sec. 4-903
2005.56	Sep. 29, 2005	Zoning map amendment for PAD overlay	Sec. 2-107
2005.59	Dec. 1, 2005	Code text amendment for Notice for Public Hearings	Sec. 6-404
2005.64	Dec. 1, 2005	Zoning map amendment for a historic overlay	Sec. 2-107
2005.72	Nov. 3, 2005	Zoning map amendment from LID to GID	Sec. 2-107
2005.76	Dec. 1, 2005	Zoning map amendment from CSS and R-3 to R/O (PAD) and R-3 (PAD)	Sec. 2-107

Ordinance Number	Adoption Date	Subject or Description	Location in Code
2005.80	Dec. 1, 2005	Code text amendment for extension of the Redevelopment Review Commission	Sec. 1-308
2005.90	Dec. 1, 2005	Code text amendment for use permit and special use standards for Deferred Presentment Companies, including a definition	Sec. 3-202 Sec. 3-423 Sec. 7-105
2005.91	Dec. 1, 2005	Code text amendment for use permits for Auto Title Loan with special use standards, Employment Agency, Plasma Donation Center, Rent-to-Own, and Tobacco Retailer; including definitions for such uses	Sec. 3-202 Sec. 3-423 Sec. 7-102 Sec. 7-106 Sec. 7-117 Sec. 7-119 Sec. 7-121

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